

# CONSERVATION COMMISSION AGENDA

Date: August 30, 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

### II. WETLANDS DECISIONS

1. **NOI – DEP File #239-XXX – 326 Fuller Street (Brae Burn Country Club) – paddle tennis**
  - Request: Applicant is proposing add new and renovate existing paddle tennis courts at Brae Burn Country Club and expand the existing warming hut in the paddle tennis area.
  - Owner/Applicant: Sean McLaughlin Representatives: Sarah Stearns (Beals & Thomas)
2. **NOI – DEP File #239-XXX – 326 Fuller Street (Brae Burn Country Club)- wet well & pump house**
  - Request: Applicant is proposing to build a new wet well and pump house to replace the current pumping system.
  - Owner/Applicant: Sean McLaughlin Representatives: Sarah Stearns, Beals & Thomas
3. **NOI (cont'd) – DEP File #239-807 – 53 Brandeis Road – single-family home**
  - Request: Applicant is proposing to remove an existing single-family home (with associated deck and driveway) and rebuild a new SFH, with associated deck and driveway.
  - Owner/Applicant: Esther Dezube (53 Brandeis Rd, LLC) Representatives: Mikhail Deychman and Karon Skinner Catrone
4. **OOE Extension & Minor Plan Change – DEP File #239-739 – 31 Williams Street - garage**
  - Request: Applicant is requesting an extension on OOE #239-739 and minor plan change. The proposed minor plan change is the addition of a 12' x 20' garage abutting the driveway.
  - Owner/Applicant: Ellen Katz and Jay Werb Representative: none
5. **COC – DEP File #239-705 – 32 Suffolk Road – lighting and planting**
  - Request: Applicant is requesting a Certificate of Compliance for work done under OOE #239-705 for the resurfacing of an existing tennis court with lighting and a hitwall.
  - Owner/Applicant: Troy Sober Representative: Tom Gilbane
6. **Enforcement Order– DEP File #239-811 - 33 Wayne Road**
  - Request: Conservation Staff are requesting that the Commission ratifies the Enforcement Order issued against 33 Wayne Road for unpermitted tree and shrub removal.
  - Owner: Carmine Petruziello Representative: John Rockwood (EcoTec, Inc.)

### III. CONSERVATION AREA DECISIONS

7. **300 Hammond Pond Parkway – Discuss 9/13/18 CPC hearing on the Commission's application for funds for professional services to support the protection of "Webster Woods".**

### III. ADMINISTRATIVE DECISIONS

8. **Minutes of 8/9/18 to be approved.**
9. **Annual Plan?**

### IV. ISSUES AROUND TOWN DECISIONS

## UPDATES

### V. WETLANDS UPDATES

### VI. CONSERVATION AREA UPDATES

### VII. ISSUES AROUND TOWN UPDATES

### VIII. ADMINISTRATIVE MATTER UPDATES

## 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  
T 617/796-1120  
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[www.newtonma.gov](http://www.newtonma.gov)

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1. **NOI – DEP File #239-XXX – 326 Fuller Street (Brae Burn Country Club) -- paddle tennis**
  - **Request:** Applicant is proposing add new and renovate existing paddle tennis courts at Brae Burn Country Club and expand the existing warming hut in the paddle tennis area.
  - **Owner/Applicant:** Sean McLaughlin **Representatives:** Sarah Stearns (Beals & Thomas)
  - **Documents Presented:** colored plans, planting schedule plans, photos, draft OOC
  - **Jurisdiction:** Buffer Zone to Bank, BLSF
  - **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.”
    - **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.”
  - **Staff Notes**
    - **Project Summary:** Applicant is proposing to move one of the existing paddle tennis courts 18ft west and add two (2) new ~30' x 60' paddle tennis courts to accommodate increased membership to the Country Club. The applicant is also proposing to expand the existing warming hut by roughly 400 s.f. All construction is framing on sonotubes.
    - **Impact Summary**
      - Overall, there will be a rough increase in developed area of 3495 s.f., most of which comes from the two newly proposed paddle tennis courts.
      - The expansion of the warming hut does not increase the amount of developed area as the structure is being expanded over existing decking.
      - Applicant is proposing the removal of 5 oak trees and 1 locust tree (96 caliper inches), and 7 blueberry shrubs during this construction. (N.B. Applicant is working closely with Newton Tree Warden.) Applicant is proposing to plant 32 trees (96 caliper inches) and 33 shrubs of various native species as mitigation.
      - The banks of the streams will not be affected by the construction.
    - **Questions/Concerns**
      - Loss of mature trees is unfortunate, but the robust replanting plan is generous in its scale and scope.
  - **Staff Recommendation:** Vote to close the hearing and issue an OOC with the following special conditions:



**Mayor**  
Ruthanne Fuller

**Director  
Planning &  
Development**  
Barney Heath

**Senior  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
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Claire Rundelli

**Conservation  
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- Planting plan must be executed as presented and 75% of trees and 75% of shrubs must survive two growing seasons.
- Erosion control barriers shall be augmented with snow fence to better serve as the limit of work. Compost sock must be properly installed (staked) and maintained throughout the life of the project.

## 2. NOI – DEP File #239-XXX – 326 Fuller Street (Brae Burn Country Club) -- wet well and pump house

- Request: Applicant is proposing to build a new wet well and pump house to replace the current pumping system.
- Owner/Applicant: Sean McLaughlin Representatives: Sarah Stearns, Beals & Thomas
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: Buffer Zone to Bank
- 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 applicant is proposing to construct a new wet well and pump house to replace the existing system that draws water from the existing irrigation pond.
    - Applicant’s is currently undertaking replacement of all irrigation pipes (under an negative RDA). As part of the evaluation of the irrigation system, it was discovered that the pumping system for the irrigation does not meet OSHA and building code requirements and needs to be replaced.
    - The existing vault system is proposed to be removed during the construction of the new system. The existing system includes one intake point for an 18” pipe that feeds the existing vault system.
    - The proposed system includes a 30” PVC pipe (~80’) with a 36” screen intake box, a 4-inch flush line, subsurface electrical utility connections, and the concrete apron/walkway that will connect the pump house entrance to the existing cart path. The new irrigation pipe will penetrate the existing stone masonry lining of the pond at the existing intake point; no new access point is needed. The intake pipe will run along the bottom of the stone-lined irrigation pond with supports every 15 ft, the supports are de minimus and have not been tabulated as an impact. The 4-inch flush line will sit in an existing access point at a higher level than the intake.
    - Applicant noted on the 8/21/18 site visit that this project will not require review by the DEP under the Water Management Act since they are not proposing to increase the size of the irrigation system and are not expected to increase water usage.
  - **Impact Summary:**
    - All work is within turf grass and a paved cart path.
    - The proposed project will increase impervious area by roughly 520 s.f. (the pump house and surrounding concrete slab, which supports the pumphouse above the wet well).
    - The proposed project will require drawdown of the irrigation pond through the existing outlet system. The water from the drawdown will be used as irrigation water and the pond will not be allowed to fill for the duration of the project.
    - There will be roughly 20ft of trenching needed to lay the pipes and electrical utilities between the pond and the existing paved cart path.
    - Work is not expected to impair the stability of the pond wall, the groundwater or surface water quality, or the capacity of the pond to provide wildlife habitat functions.
    - Applicant is not proposing any mitigation plantings because no trees are due to be disturbed. Applicant will return all disturbed areas to prior condition (turf grass or cart path).

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- The applicant has stated that by expanding the diameter of the intake pipe and by increasing the size of the pumps, more water can be delivered through the system faster, allowing all watering to occur over night, thereby reducing total water use.
- Staff Recommendation:
  - Ask applicant where the trench excavate is going to be stored. A trench 5' wide, 9' deep, 60' long will result in 100 c.y. of material. It should be stored in a protected stockpile area or a truck.
  - Ask applicant to shift the new pump house 15' to the north to better protect the existing mature tree's roots.
  - Ask about documentation of historical usage and documentation of future use (to gauge the effects on groundwater and baseflow to the streams)
  - Vote to close the hearing and issue an OOC with the following special conditions:
    - Extend erosion controls across cart path near pump house.
    - Shift the new pump house 15' to the north to better protect the existing mature tree's roots.

**3. NOI (cont'd) – DEP File #239-807 – 53 Brandeis Road -- single-family home**

- 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) Representatives: Mikhail Deychman and Karon Skinner Catrone
- Documents Presented: old plans, photos, draft OOC
- Jurisdiction: Buffer Zone
- Staff Notes
  - At the 8/9/18 meeting, the Commission signed the OOC conditional upon confirmation of Engineering's approval of the drainage system (the applicant assured the Commission that Engineering had approved the drainage plans). Those statements were checked by Staff who were told by the Engineering Department that no plans were submitted to Engineering for the 53 Brandeis project and that the City standards do require all infiltration systems to be 10' off the property lines.
  - Conservation staff sent an email to the applicant and their team on 8/10/18 detailing this issue and required the applicant to provide a complete NOI submission including, "full-sized stamped plans, 11x17" copies of the plans, pdfs of plans, drainage details and calculations, and all other appropriate/requisite documentation" in one package, at one time. These materials were required to be submitted to the Conservation Office by the two-week revised materials deadline of 8/16/18.
  - The Conservation Office has received no revised materials and no communication from the 53 Brandeis applicant team as of the time this agenda was sent out.
- Staff Recommendations: Vote to deny, without prejudice, the Notice of Intent on the basis of insufficient information.

**4. OOC Extension & Minor Plan Change – DEP File #239-739 – 31 Williams Street -- garage**

- Request: Applicant is requesting an extension for OOC #239-739 to allow for more work to be done on the property. The proposed minor plan change is the addition of a 12' by 20' garage abutting the driveway.
- Owner/Applicant: Ellen Katz and Jay Werb Representative: none
- Documents Presented: colored plans photos, draft extension form, draft memo re minor plan change
- Jurisdiction: Riverfront Area
- Performance Standards

**Minor activity exemption: 10.02(2)(b)(1)(e) -- Converting lawn to accessories to a SFH ... OR**

**Riverfront Area: 10.58(4)**

(c) Practicable and Substantially Equivalent Economic Alternatives.

(d) No Significant Adverse Impact.

- ✓. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater ..., provided that:
  - ✓. At a minimum, a 100' wide area of undisturbed vegetation is provided... preserved or extended to the max. extent feasible....

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- ✓. Stormwater is managed ...
- ✓. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
- ✓. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.

○ Staff Notes:

- **Project Summary:** Applicant is proposing to construct a 12'x20' detached garage adjacent to the existing driveway over existing lawn. The project would also involve the removal of the shed on the property and the planting of one white oak as mitigation. (Note: All of the required mitigation plantings done under this OOC have survived except for 1 blueberry; the applicants have planted several additional native plants in the area.)
- **Impact Summary:** The project would result in a net increase in impervious area of 80 s.f., as an existing shed will be removed.

○ Staff Recommendations:

- Vote to issue an Extension of the Order of Conditions #239-739.
- Vote to approve the garage construction/shed removal as a minor plan change and require the planting of the oak tree (with survival for two growing seasons) and that the garage/shed changes be shown on the as-built.

5. **COC – DEP File #239-705 – 32 Suffolk Road – lighting and planting**

- Request: Applicant is requesting a Certificate of Compliance for work done under OOC #239-705 for the resurfacing of an existing tennis court with lighting and a hitwall.
- Owner/Applicant: Troy Sober      Representative: Tom Gilbane
- Documents Presented: colored plans photos, draft COC
- Staff Notes: A staff site visit on 8/17/18 confirmed that not all permitted work was done, but that work that was done was in substantial compliance with the permit. The required state form, as-built, and landscaper's letter have been received.
- Staff Recommendations: Vote to issue a complete Certificate of Compliance note that not all work was executed.

6. **Enforcement Order – 33 Wayne Road – DEP file #239-811 -- single family home**

- Request: Conservation Staff are requesting that the Commission ratify the Enforcement Order issued against 33 Wayne Road for unpermitted tree and shrub removal.
- Owner: Carmine Petruziello      Representative: John Rockwood (EcoTec, Inc.)
- Documents Presented: annotated colored plans, EO and cover letter photos, Enforcement Order
- Staff Notes:
  - The Newton Conservation Commission office was made aware of tree cutting at 33 Wayne Road on the morning of 8/21/18 by a concerned citizen. In response to the call, staff made a site visit at around 12pm on 8/21/18 and discovered a dumpster containing cut vegetative matter, leftover woodchips on the ground, and numerous fresh stumps of both trees and shrubs.

It is important to note that:

1. On August 9, 2018 the development team appeared before the Newton Conservation Commission.
  - a. The development team was told that the proposed plans did not comply with wetland regulations at all and would have to be substantially modified to be approved (i.e., it was made abundantly clear that there was no permission for work within the Riverfront Area.
  - b. A follow-up email from me noted Conservation Commission concerns about clear mis-truths presented to the Commission at that initial public hearing.
  - c. Despite these Commission concerns and communications, every tree within Riverfront Area on the property was cut to the ground.
2. Several of the cut trees were over 8" (the threshold for a Newton Tree Ordinance permit) however no permit application was submitted and no permit was secured. Since this was the second offense in 3 months, fines have been issued by the City's Tree Warden.

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3. A demolition permit has not been secured from the Inspectional Services Department, so a Stop Work Order has been issued by the Building Inspector.
  - Staff have been in contact with the owner who has been cooperative. Staff reached the owner via phone and discussed the unpermitted tree removal. The owner stated that he was trying to get a “step ahead” by making space for construction fencing, but admitted that he had made a big mistake and was forthcoming and cooperative with staff’s decision to issue an Enforcement Order and requirement that he appear before the Commission on August 30, 2018.
  - Staff Recommendations:
    - Commission must determine how to rectify the violation in light of the open hearing for the demolition and construction of a single-family home on the property.
    - Vote to amend and/or ratify the Enforcement Order issued on 8/21/18 by Conservation Staff.

## II. CONSERVATION AREA DECISIONS

7. **300 Hammond Pond Parkway, Preservation of Webster Woods** – Discuss 9/13/18 CPC hearing on the Commission’s application for \$100,000 for professional services (legal, appraisal, etc.) to support the protection of “Webster Woods”. Discuss Con Com representation at the hearing. Discuss BC’s application for a building permit for improvements to the rear parking lot.

## III. ADMINISTRATIVE DECISIONS

8. **Minutes of 8/9/18 to be approved.**
  - Documents Presented: draft minutes draft minutes
  - Staff Recommendations: Vote to approve 8/9/18 minutes.
9. **Annual Plan?** – Would the Commission like to create an annual plan?

## IV. ISSUES AROUND TOWN DECISIONS – none at this time

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## UPDATES

### V. WETLANDS UPDATES

- 56 Farwell: Jill Provencal from DEP sought clearer flood plain calculations before issuing a Superseding OOC.

### VI. CONSERVATION AREA UPDATES

- Norumbega and Saw Mill Brook. Claire painted over the rest of the graffiti.
- Saw Mill Brook – Dumping from construction site has been cleaned up. John Menard found an address on a pill bottle. Police have been involved, will increase patrols in the area, and have suggested new signs with state dumping fine amount (Con Com land use regulations state: “Dumping violations shall be punished in accordance with the provisions of General laws, Chapter 270, Section 16, as may be amended from time to time.”)
- Norumbega slope restoration – We will put the project back out to bid in a couple of weeks; we have a list of contractors that may be more appropriate for and interested in the project.
- Old Deer Park – bittersweet is cut way back, but mowing/brush-hogging is desperately needed.
- Encroachments – John Menard can plant shrubs and seed mix this fall as a special project
- Seasonal staff – Staff are considering ways to increase efficiencies and seasonal work for more land management efforts (brush-hogging, planting, tree work, trail work).

### VII. ISSUES AROUND TOWN UPDATES

- Climate Action
- ADA trails intern project
- Trails connectivity along the Charles – volunteers received a grant to make improvements to the “Pony Truss Trail”. City is advocating for new and improved connections as part of the Riverside redevelopment project.

### VIII. ADMINISTRATIVE MATTER UPDATES – none at this time

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

## ADJOURN

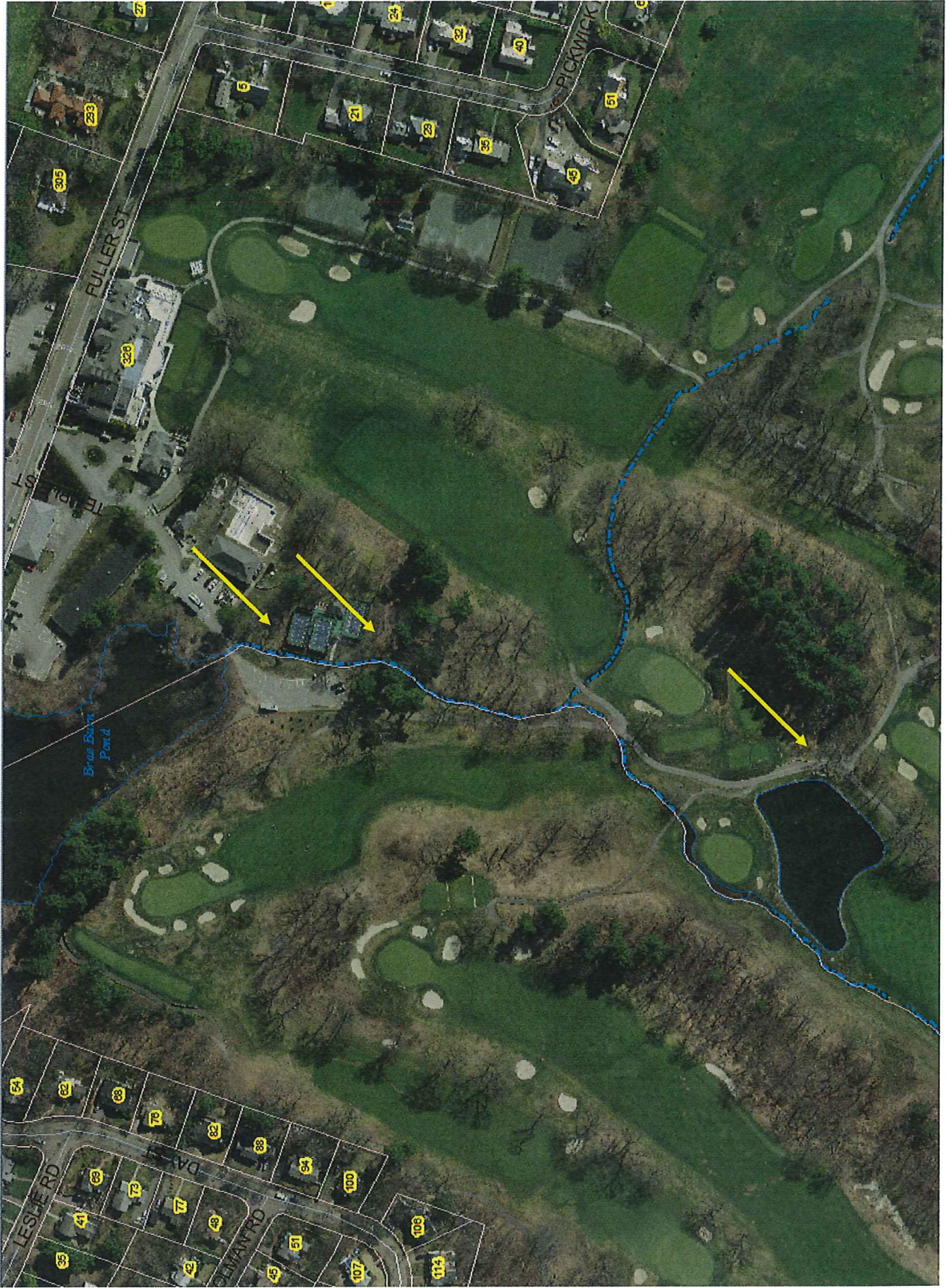
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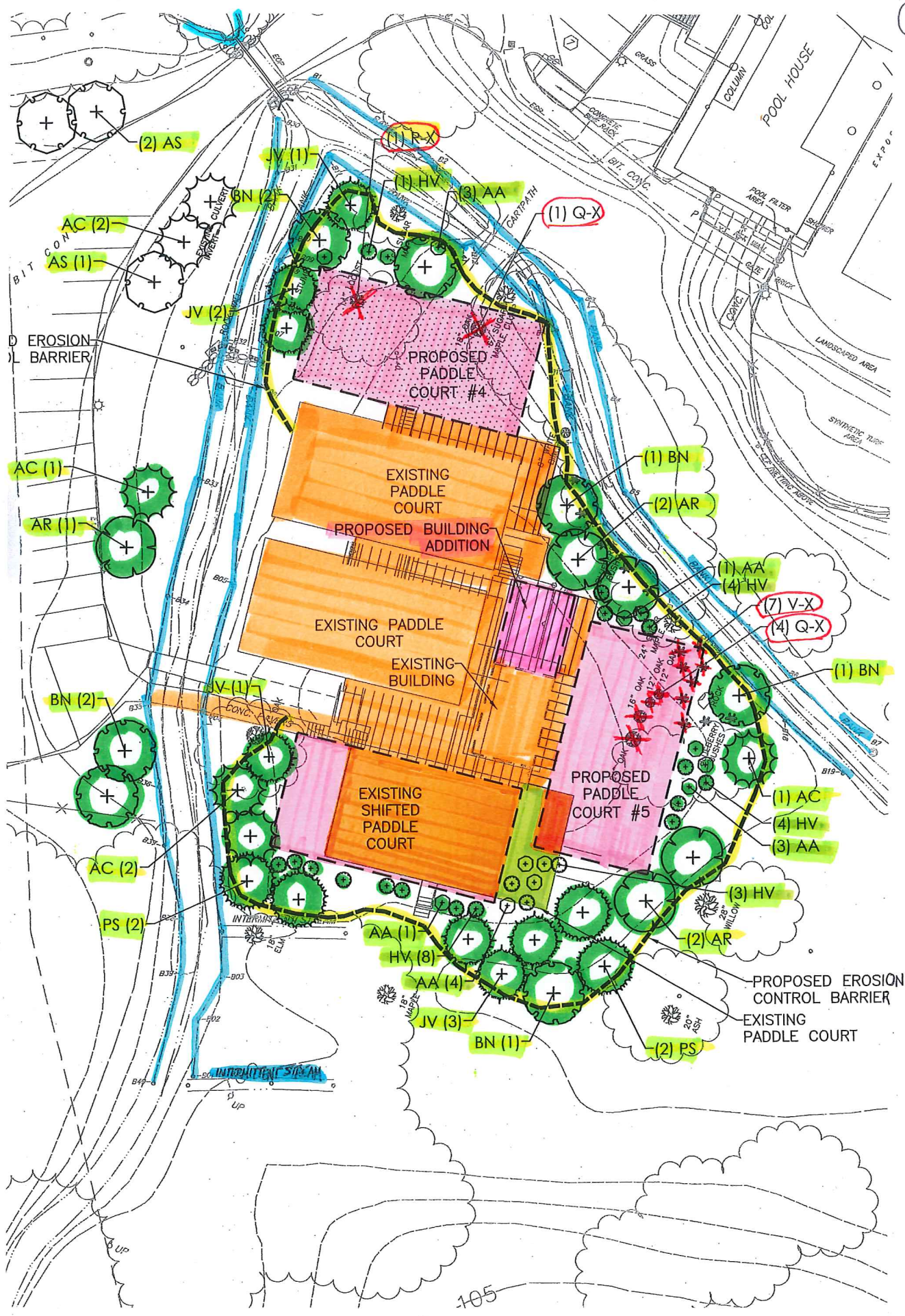
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1a  
2/30/18

BRAE BURN - PADDLE TENNIS + WET WELL PROJECT LOCATIONS



1b 326 Fuller  
 PROPOSED PADDLE  
 TENNIS COURTS  
 8/30/18





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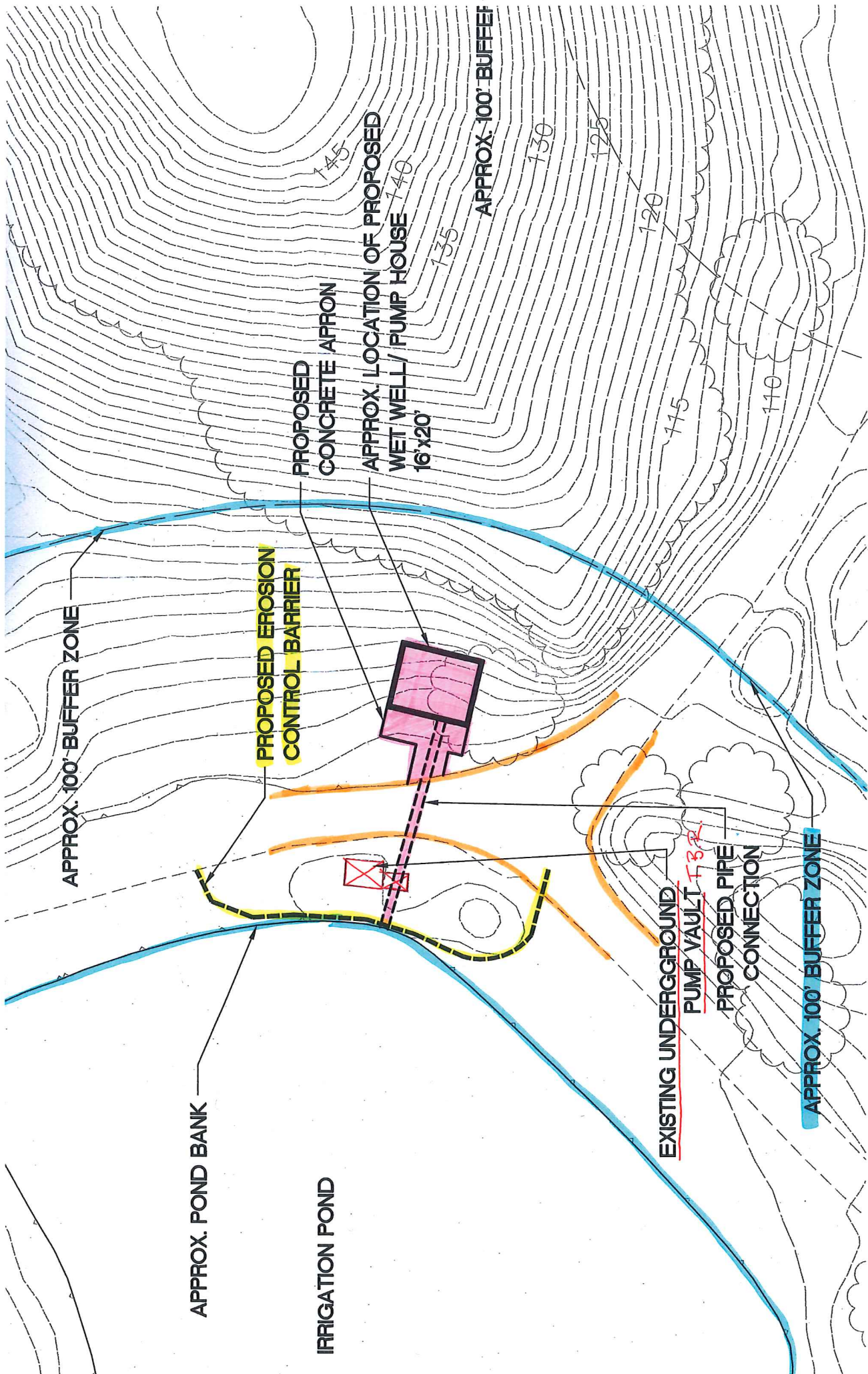
(1c) 326 FULLER - PROPOSED PLANTING SCHEDULE

8/30/18

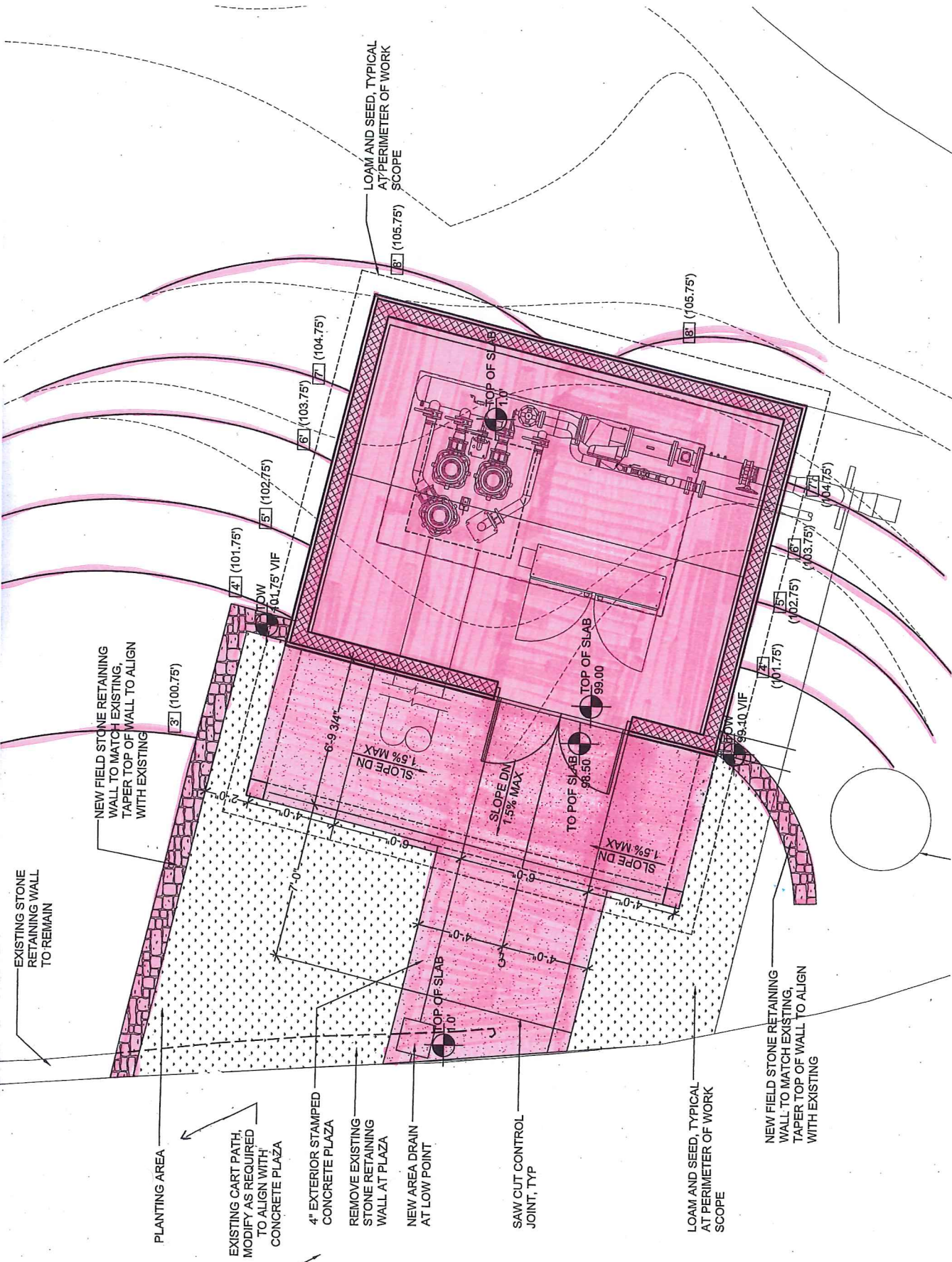
**PLANTING SCHEDULE**

EXISTING TREES TO BE REMOVED	QTY	BOTANICAL NAME	COMMON NAME	CONT	DBH	REMARKS
Q-X 24", 18", 16", 12", 12"	5	Quercus spp.	Oak - Existing	Existing	12", 12", 16", 18", 24"	Existing to be removed.
R-X 14"	1	Robinia spp.	Locust - Existing	Existing	14"	Existing to be removed
/ 96"						Total # of Inches Removed: 96"
EXISTING SHRUBS TO BE REMOVED	QTY	BOTANICAL NAME	COMMON NAME	CONT	REMARKS	
V-X	7	Vaccinium spp.	Blueberry bush - Existing	-	Existing to be removed	
MITIGATION TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	REMARKS
AC 18"	6	Abies concolor	White Fir	B&B	8-10' ht.	min. 3" cal.
AR 15"	5	Acer rubrum	Red Maple	B&B	3" - 3 1/2" cal.	
AS 9"	3	Acer saccharum	Sugar Maple	B&B	3" - 3 1/2" cal.	
BN 21"	7	Betula nigra	River Birch	B&B	3" - 3 1/2" cal.	
JV 21"	7	Juniperus virginiana	Eastern Red Cedar	B&B	8-10' ht.	min. 3" cal.
PS 12"	4	Pinus Strobus	White Pine	B&B	8-10' ht.	min. 3" cal.
/ 96"						Total # of Inches Required/Proposed: 96"/96"

MITIGATION SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	REMARKS	
AA	13	Aronia arbutifolia	Red Chokeberry	24-36" ht.		
HV	20	Hamamelis virginiana	Witch Hazel	24-36" ht.		
/ 96"						33



2a 320 FULLER - PROPOSED PUMP HOUSE  
 + TRENCHING  
 8/30/18

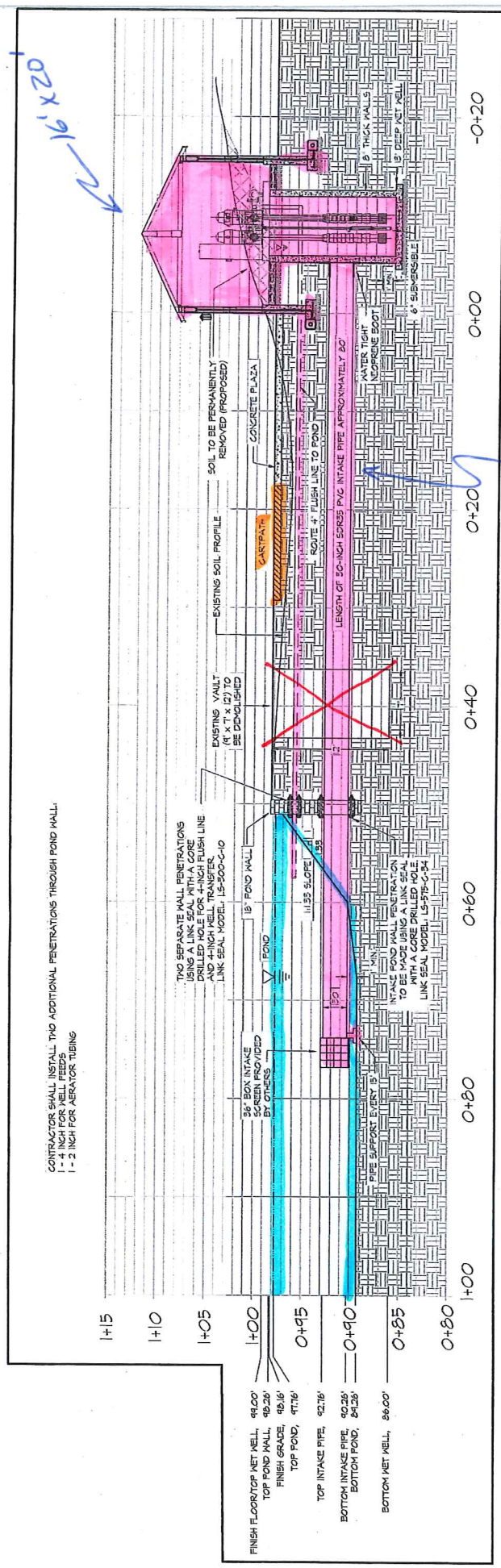


Zb 326 FULLER - PROPOSED PUMP HOUSE + WET WELL  
 0136118

Zc 326 Fuller - Cross Section of Proposed Activities

8/30/18

IGATION  
LINE



**ELEVATION VIEW**

NOT TO SCALE  
IRRIGATION PUMP ELEVATION VIEW DRAWING BY:  
IRRIGATION CONSULTING, INC.

80' OF 30" PVC

16' x 20'

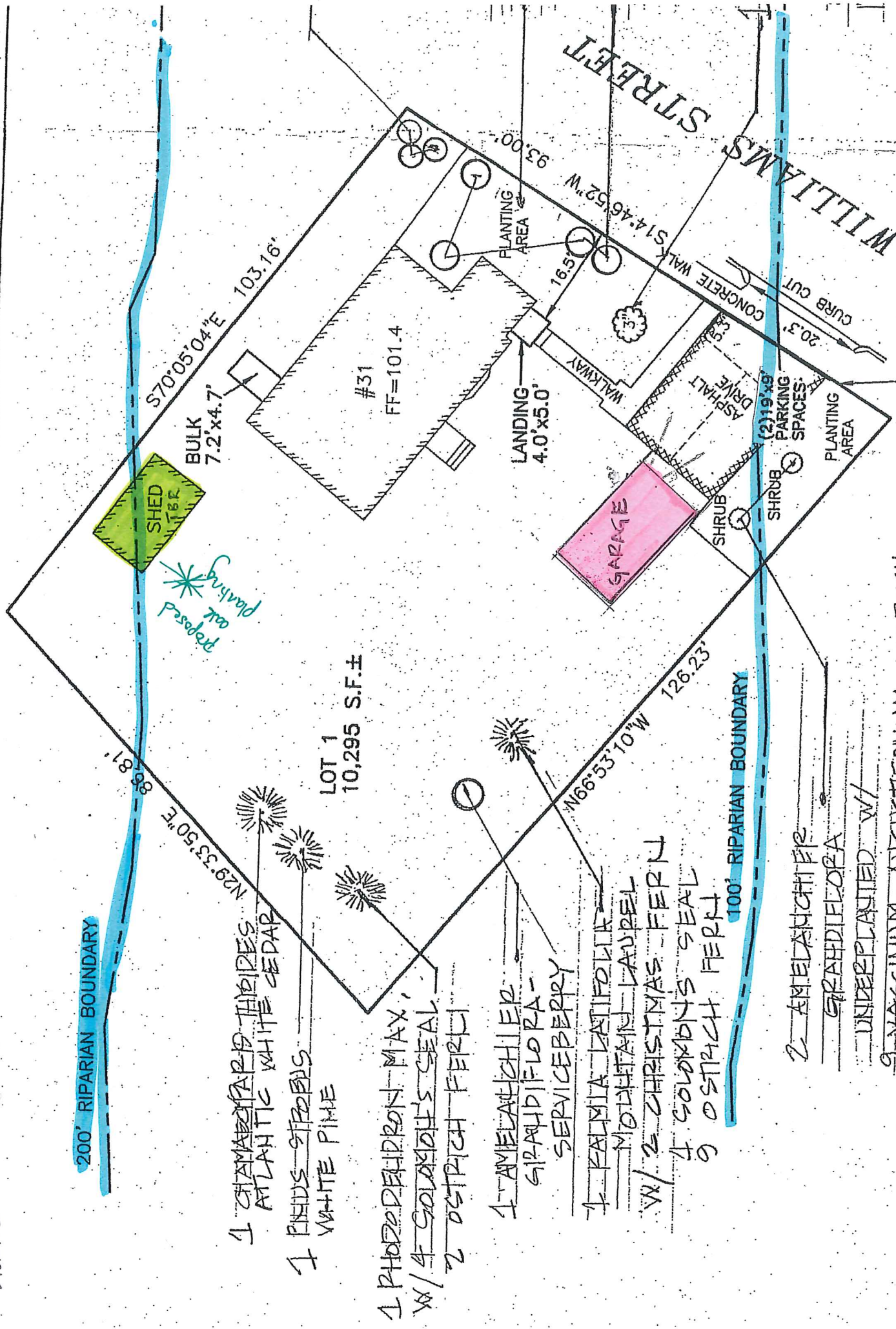
2d BRAE BURD WET WELL

8/30/18



4 31 WILLIAMS - PROPOSED CONDITIONS

8130118



1 CHAMBERLAIN THIRDS  
ATLANTIC WHITE CEDAR

1 PINDS STROBUS  
WHITE PINE

1 RHODODENDRON MAY,  
W/ 4 SOLONCH'S SEAL  
2 OSTRICH FERN

1 AMELANCHIER  
GRABIFLORA -  
SERVICERBERRY

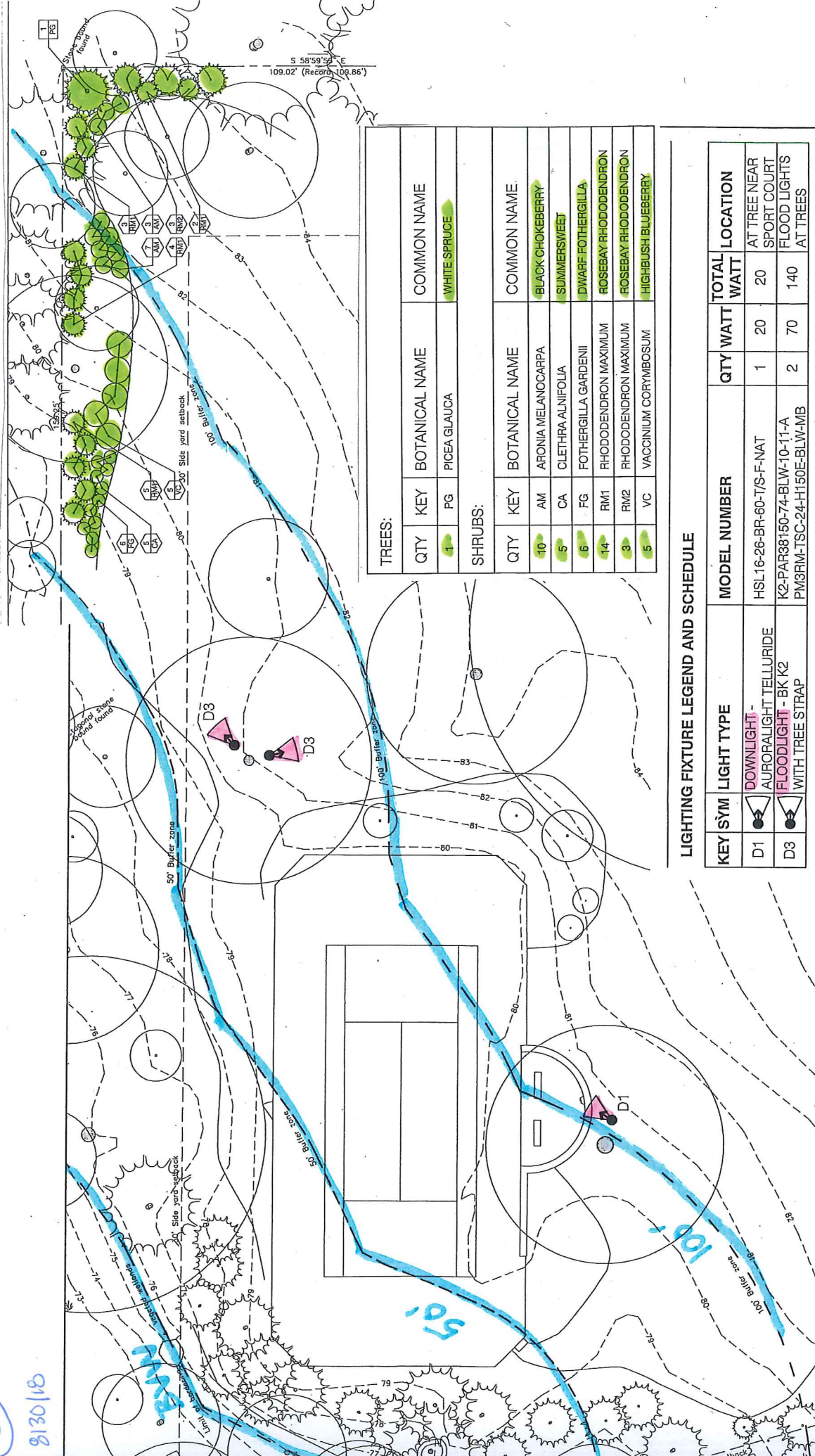
1 KALMIA LATIFOLIA  
MOUNTAIN LAUREL  
W/ 2 CHRISTMAS FERN  
1 SOLONCH'S SEAL  
9 OSTRICH FERN

2 AMELANCHIER  
GRABIFLORA  
UNDERPLANTED W/

9 VACCINIUM AUGUSTIFOLIUM - LOW BUSH  
BLUEBERRY  
11 OSTRICH FERN

5 32 SUFFOLK RD - AS-BUILT

8130/18



TREES:		BOTANICAL NAME	COMMON NAME
QTY	KEY	PICEA GLAUCA	WHITE SPRUCE
1	PG		
SHRUBS:		BOTANICAL NAME	COMMON NAME
QTY	KEY	ARONIA MELANOCARPA	BLACK CHOKEBERRY
10	AM	CLETHRA ALNIFOLIA	SUMMERSWEET
5	CA	FOTHERGILLA GARDENII	DWARF FOTHERGILLA
6	FG	RHODODENDRON MAXIMUM	ROSEBAY RHODODENDRON
14	RM1	RHODODENDRON MAXIMUM	ROSEBAY RHODODENDRON
3	RM2	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY
5	VC		

LIGHTING FIXTURE LEGEND AND SCHEDULE

KEY SYM	LIGHT TYPE	MODEL NUMBER	QTY	WATT	LOCATION
D1	DOWNLIGHT - AURORALIGHT TELLURIDE	HSL16-26-BR-60-T/S-F-NAT	1	20	AT TREE NEAR SPORT COURT
D3	FLOODLIGHT - BK K2 WITH TREE STRAP	K2-PAR88150-74-BLW-10-11-A PM3RM-TSC-24-H150E-BLW-MB	2	70	FLOOD LIGHTS AT TREES

AS-BUILT LIGHTING PLAN

SUFFOLK ROAD, NEWTON, MA

GREGORY LOMBARDI DESIGN  
 2235 Massachusetts Avenue  
 Cambridge, Massachusetts 02140  
 Phone 617.462.2808 Fax 617.462.2804

Sheet Reference:

Scale: 1" = 20'-0"

Date: 14 August 2018

Drawn By: MP

Project Number: 14005

L1.02

7) ESTIMATED TREE REMOVAL AT 33 WAYNE RD.

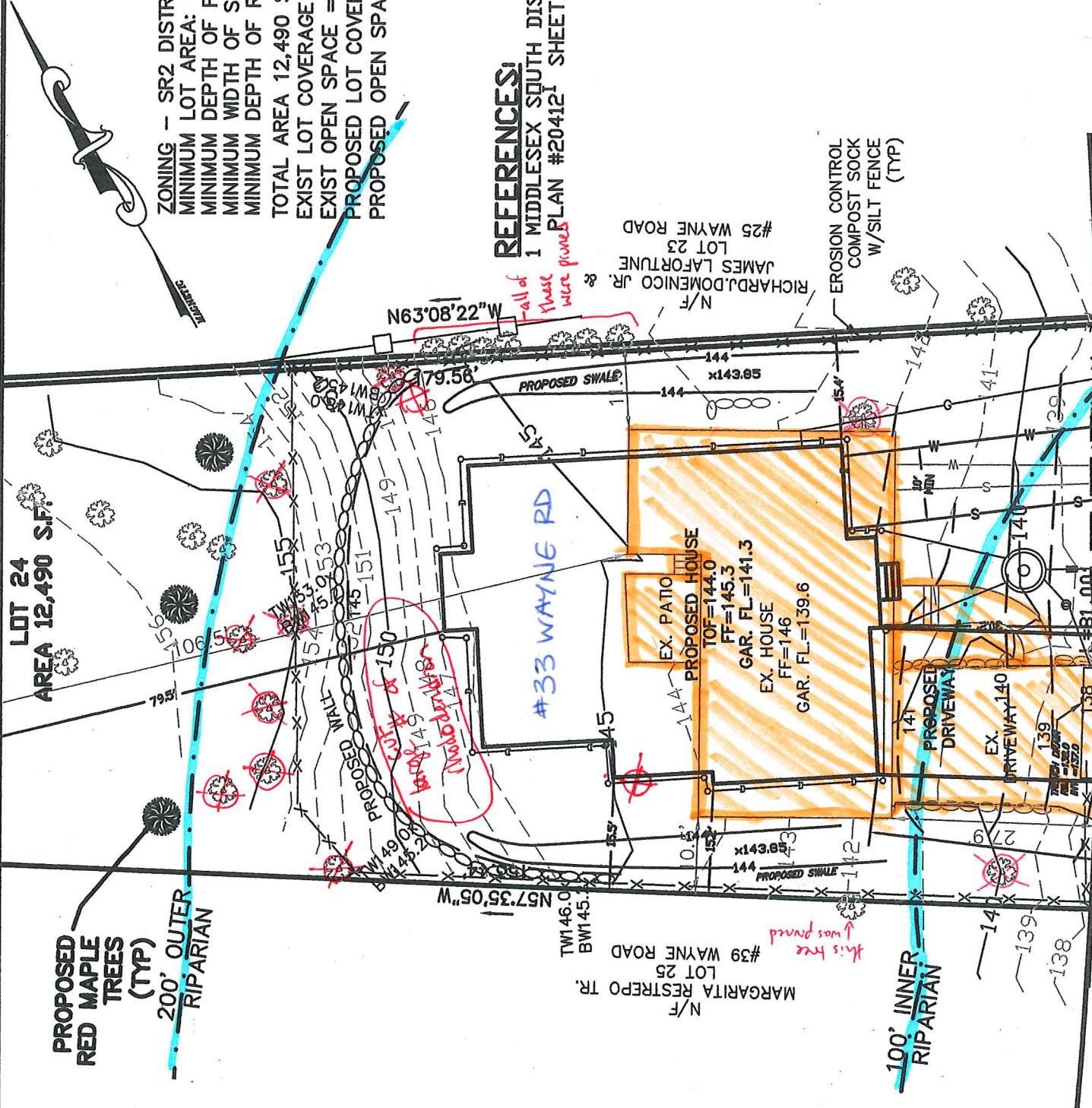
8130118

ASSESSOR'S MAP 158NW  
SECTION 82  
BLOCK 42  
LOT 24  
NEIGHBORHOOD 4C

ZONING - SR2 DISTRICT (NEW)  
MINIMUM LOT AREA: 15,000 SF  
MINIMUM DEPTH OF FRONT YARD: 30 FT  
MINIMUM WIDTH OF SIDE YARD: 15 FT  
MINIMUM DEPTH OF REAR YARD: 15 FT  
TOTAL AREA 12,490 S.F. 100%  
EXIST LOT COVERAGE = 12.6% < 20% (REQUIRED)  
EXIST OPEN SPACE = 83.0% > 65% (REQUIRED)  
PROPOSED LOT COVERAGE = 18.7% < 20% (REQUIRED)  
PROPOSED OPEN SPACE = 76.4% > 65% (REQUIRED)

**REFERENCES:**

1 MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS:  
PLAN #204121 SHEET 1.







Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

August 22, 2018

Carmine Petruziello  
45 Indian Ridge Road  
Newton, MA 02459

**RE: Notice of Violation and Enforcement Order; 33 Wayne Road  
Unpermitted cutting of mature trees and shrubs within 200-foot Riverfront Area**

Dear Mr. Petruziello,

This letter serves as a Cease and Desist Order and the cover letter to an Enforcement Order under the state Wetlands Protection Act (M.G.L. Chapter 131 s. 40). The subject violation is the unpermitted cutting of numerous mature trees and shrubs within the Riverfront Area of Sawmill Brook at 33 Wayne Road in Newton.

The Newton Conservation Commission office was made aware of tree cutting at 33 Wayne Road on the morning of 8/21/18 by a concerned citizen. In response to the call, I made a site visit at around 12pm on 8/21/18 and discovered a dumpster containing cut vegetative matter, leftover woodchips on the ground, and numerous fresh stumps of both trees and shrubs. I reached you via phone and discussed the unpermitted tree removal. You stated that you were trying to get a "step ahead" by making space for construction fencing, but admitted that you had made a big mistake and were forthcoming and cooperative with my decision to issue an Enforcement Order and my requirement that you appear before the Commission on August 30, 2018.

It is important to note to you, as the owner and developer, that:

1. On August 9, 2018 your development team appeared before the Newton Conservation Commission.
  - a. The development team was told that the proposed plans did not comply with wetland regulations at all and would have to be substantially modified to be approved (i.e., it was made abundantly clear that there was no permission for work within the Riverfront Area.
  - b. A follow-up email from me noted Conservation Commission concerns about clear mis-truths presented to the Commission at that initial public hearing.
  - c. Despite these Commission concerns and communications, every tree within Riverfront Area on the property was cut to the ground.
2. Several of the cut trees were over 8" (the threshold for a Newton Tree Ordinance permit) however no permit application was submitted and no permit was secured. Since this was your second offense in 3 months, fines have been issued by the City's Tree Warden.
3. A demolition permit has not been secured from the Inspectional Services Department, so a Stop Work Order has been issued by the Building Inspector.

You are required to attend the August 30<sup>th</sup>, 2018 meeting of the Newton Conservation Commission to discuss the future steps on this site. If you have any questions, please contact the Conservation office at 617-796-1134.

Sincerely,

Jennifer Steel, Chief Environmental Planner

Enclosure: DEP Enforcement Order  
cc: Wetlands Division, DEP - NERO, 205B Lowell St., Wilmington, MA 01887  
John Lojek, Newton Commissioner of Inspectional Services  
Mark Welch, Newton City Forester



10"



8"



6"



18"



8"



24"



12"



16"



Before



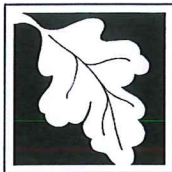
After



Before



After



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

239-811

**A. Violation Information**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Newton 8/21/18  
 Conservation Commission (Issuing Authority) Date

To:

Carmine Petruziello  
 Name of Violator  
45 Indian Ridge Road, Newton, MA 02459  
 Address

1. Location of Violation:

Property Owner (if different)  
33 Wayne Road  
 Street Address  
Newton 02459  
 City/Town Zip Code  
82042 0024  
 Assessors Map/Plat Number Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Every tree and shrub within the 200' Riverfront Area was cut without a Conservation Commission permit (and without a city Tree Removal Permit). Five of the cut trees were over 8" in diameter. Numerous saplings and shrubs of more moderate size were also cut. See attached sketch plan. Conservation agents confirmed this vegetation clearing on an 8/21/18 site visit.

**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:  
239-811

**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name \_\_\_\_\_ Dated \_\_\_\_\_

File Number \_\_\_\_\_ Condition number(s) \_\_\_\_\_

The Order of Conditions expired on (date): \_\_\_\_\_ Date \_\_\_\_\_

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Order**

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.
- A restoration plan shall be filed with the issuing authority on or before \_\_\_\_\_ Date \_\_\_\_\_

for the following:

\_\_\_\_\_  
 \_\_\_\_\_

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

239-811

**C. Order (cont.)**

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

\_\_\_\_\_

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

The owner must appear before the Newton Conservation Commission on 8/30/18 to discuss rectification of this violation.

\_\_\_\_\_

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Jennifer Steel

Name

617-796-1134

Phone Number

7am - 4pm, Mon-Fri

Hours/Days Available

Issued by:

Newton

Conservation Commission

Conservation Commission signatures required on following page.

# 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 quorum 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
  - **Jurisdiction:** Buffer Zone, Riverfront Area
  - **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.
  - **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

1000 Comm. Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142  
[www.newtonma.gov](http://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](mailto: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.*



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. Dewatering 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. Concrete washout 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. Landscape 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 submit proof of inspection 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. A letter from a landscaper 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. Operation and Maintenance: The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
31. The use of herbicides and other pesticides is prohibited and fertilizers 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.
- Owner/Applicant: Carmin Petruzzello 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.
    - Roof runoff is proposed to be directed into a small drywell at the front of the property.

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- 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.
  - 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 improvement – *There is an increase in impervious surface are in the RFA with no proposed mitigation in the RFA.*
    - (b) Stormwater 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) Proposed work ... shall be located ... away from the river 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 mitigation of at least 2:1 – *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/alterd 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.
- 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) Representatives: Mikhail Deychman and Karon Skinner Catrone
  - Documents Presented: colored plans plans, photos, draft OOC
  - Jurisdiction: Buffer Zone

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- 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
    - The datum on all plan sheets
    - 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.
    - Engineering had already approved the drainage details.
- Vote: to close the hearing and issue and Order of Conditions with the following special conditions pending confirmation of Engineering's approval of the drainage systems [Motion: Jeff Zabel, Second: Kathy Cade, Vote: 4:0:0].
  21. Applicant must submit an operations and maintenance plan for the stormwater systems on site. O&M plan must be recorded with this order of conditions.
  22. Dewatering 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 pre-construction site visit to review:
  25. Landscape 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 stormwater infiltration systems must be installed as per the approved plans.
  27. The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection 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.

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- c. A letter from a landscaper certifying that all plants were installed compliance with the approved planting scheme.
- 29. The use of herbicides and other pesticides is prohibited and fertilizers 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 lighting 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
  - Documents Presented: old colored plans plans, photos, draft OOC
  - Jurisdiction: Riverfront Area, BLSF, City Flood Zone
  - Discussion
    - **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.
    - **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.
      - The O&M plan has been corrected.
  - Vote: to close the hearing and issue and Order of Conditions with the following special conditions conditional upon confirmation of Engineering's approval of the drainage systems [Motion: Jeff Zabel, Second: Ellen Katz, Vote: 4:0:0].
    - 21. The Operations & Maintenance Plan must be recorded at the registry of deeds to inform future homeowners about the required maintenance. Proof of recording must be submitted to the Conservation Commission.
    - 22. Dewatering plans and accommodations: 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. Concrete washout plans and accommodations: 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. Landscape plantings within Commission jurisdiction must be installed in compliance with the approved plans and narrative.
      - a. Desired deviations from the approved plans must be approved by the Conservation office in advance.

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- 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. The stormwater infiltration system 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. A letter from a landscaper 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 herbicides and other pesticides is prohibited and fertilizers 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 lighting 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 mitigation/restoration planting area shall be maintained in perpetuity 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
- Discussion: 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.
- Vote: 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
- Permitted (i.e., maximum allowed) usage
- Documentation of use (receipts?)
- Baseline (and low-flow) stream data (from the field or from StreamStats?)
- CRWA's input

## II. CONSERVATION AREA DECISIONS – none at this time

## III. ADMINISTRATIVE DECISIONS

- **Minutes of 7/19/18 to be approved.**

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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.*

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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**

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**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**

- Kessler 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. map
- 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.
- 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**

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**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
  - Documents Presented: photos, draft memo
  - Presentation (Min Yang) and Discussion: 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].

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