

CONSERVATION COMMISSION MINUTES

Date: September 20, 2018

Time: 7:07 pm

Place: City Hall, Room 204

With a quorum present, the meeting opened with Ira Wallach presiding as Chair

Members Present: Dan Green, Judy Hepburn, Jeff Zabel

Staff Present: Jennifer Steel

Members Absent: Susan Lunin, Norm Richardson, Ellen Katz, Kathy Cade (Associate)

Members of the Public: See sign-in sheet

DECISIONS

I. WETLANDS DECISIONS

1. NOI – 156 (&170) Otis Street – storm drain system repairs – DEP File #239-814

- Request: Applicant is seeking OOC to restore an existing drainage pipe and two catch basin inlets to said pipe on 156 and 170 Otis Street.
- Owner: Brian Hickey (156 Otis St LLC) & Stephen and Joan Kelly (170 Otis Homeowners)
- Applicant: Ted Jerdee, Newton Director of Utilities Rep.: John Rockwood (EcoTec, Inc)
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: Buffer Zone to bank, Bank, and LUWW
- Presentation (John Rockwood) and Discussion
 - **Project Summary:** As per Order of Conditions (#239-801), the owner of 156 Otis was obligated to repair the non-functioning drainage system that runs under the rear portion of the 156 lot. The pipe was TV'd and determined to be in fine shape. Based on conversations with City Utilities staff, the following repairs are needed to the system.
 - Replacement of the inlet for the upstream catch basin on 170 Otis Street with a “beehive” to prevent clogging.
 - Reconstruction of the berm between 170 and 156 Otis Street with riprap to encourage water flow into the new inlet structure.
 - The existing downstream catch basin on 156 Otis St. is buried ~3 feet. Excavate and raise the existing catchbasin structure, replace the inlet structure with a beehive grate, and install a riprap apron to prevent clogging and prevent the existing condition of sheet flow of stormwater runoff from 156 onto the adjacent lot on Walden Street.
 - **Impact Summary**
 - At the upstream catch basin: remove accumulated debris from a 25' x 7' swath upstream catch basin to encourage flow into the catch basin. All work will be by hand with shovels and wheel-barrows.
 - The “patch” in the berm will cover approximately 15 sq ft of BVW. Water will now be ponded behind the berm (to an elevation of 131') and channeled to the inlet “stub” pipe and catch basin. Any water exceeding 131 feet will overtop the berm and flow through the existing intermittent stream channel to the downstream catchbasin. All work will be by hand with shovels and wheel-barrows.
 - At the downstream catch basin: (1) a 7” elm tree will be removed, (2) temporary stream crossing (8' wide plywood sheets) will be installed for access, (3) A 10' x 6' area of vegetation and debris will be excavated, and (4) a 10' x 6' stone apron will be installed. Work will be facilitated by a small rubber tracked excavator.
 - **Other Discussion**
 - Maintenance of the system will be up to the City.
- Vote: to close the hearing and issue an OOC with the following special conditions (Motion:



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

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Jeff Zabel; Second: Dan Green; Vote: 4:0:0).

Prior to the start of work

21. Flagging or caution tape must be installed to define access points and the limits of work on 170 Otis St.
22. The applicant must schedule and attend a pre-construction site visit to review:
 - a. Flagging used to define the limits of work on 170 Otis St.
 - b. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - c. Proof of Recording the Order
 - d. Contact information for those responsible for construction, sediment controls, and landscaping
 - e. Anticipated timeline

Present should be:

- f. Applicant or Applicant's Representative(s)
- g. Applicant's Construction Supervisor (person responsible for compliance with this Order and who may be held jointly responsible for any violations and the penalties under the law for said violations)
- h. Agent(s) of the Commission

During Work

23. All work on the CB and berm behind 170 Otis St. shall be conducted by hand and with hand tools. No heavy equipment shall enter this area or the wetland.
24. Proper site protection (plywood planks) shall be installed prior to excavation of the catchbasin on 156 Otis St. Nothing larger than a mini rubber tracked excavator shall be used for excavation and/or construction of the apron.

After Work

25. An as-built plan signed by the engineer certifying compliance with the approved plans/order must be submitted.

2. NOI – Cobb Place – paving private right-of-way – DEP File #239-817

- Request: Applicant is seeking OOC to pave an existing, graveled, privately owned street and install country drainage on either side of the street.
- Owner: multiple Applicant/Representatives: Barry Sarao (M. Delvecchio Construction)
- Documents Presented: sketch plan plans, photos, draft OOC
- Jurisdiction: Riverfront Area
- Presentation (Joseph Sarao, Delvecchio Construction) and Discussion
 - **Project Summary:** Applicant is proposing to excavate the existing gravel, asphalt (apron from Quinobequin Rd.), and unsuitable soil from the private ROW. Any good quality gravel removed will be re-used to regrade the ROW and extra gravel will be brought in as necessary to maintain existing grades. The roadway will then be paved and country drainage will be provided by perforated pipes in stone trenches along the road sides.
 - **Impact Summary:**
 - Applicant is proposing to pave Cobb Place, an existing 22' wide gravel roadway. A 90' stretch of Cobb Place falls into outer riparian zone (RFA)
 - The proposed increase in "impervious" surface area within RFA is roughly 1980 s.f.
 - Applicant is proposing country drainage for stormwater management.
 - Trees and tree roots that line portions of the road must be considered and protected from trenching.
 - Increased runoff out to Quinobequin Road must be accommodated so as to not exacerbate ponding at the intersection.
 - **Other Discussion**
 - Will the proposed perforated pipes be tied into a City stormdrain system? Will the road be crowned or pitched? Will there be curbs? Where will the infiltration trenches be located? What are the details of the trenches?

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- The applicant and the presenter agree that far more details about the proposed road layout and drainage are needed for a decision to be made. The applicant sought a continuation to allow time to develop proper plans.
- Consensus: to continue the hearing to 10/11/18 with revised plans due by 10/1/18 (Monday)

3. NOI – 87 Boulder Road – teardown/rebuild single-family home – DEP File #239-816

- Request: Applicant is seeking OOC to demolish an existing single-family house and build a new single-family house.
- Owner/Applicant: Ilya Fuchs Esq. Representatives: John Rockwood (EcoTec, Inc) and Mikhail Deychman
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: Riverfront Area, BLSF, and City Flood zone
- Presentation (John Rockwood) and Discussion
 - **Project Summary**
 - Applicant shall remove the existing 1-story SFH, driveway, appurtenances, and landscaping and construct a new 2-story SFH, driveway, appurtenances, and landscaping.
 - **Impact Summary**
 - All 1088 sf of impervious area within the RFA will be removed and replaced with lawn and landscaping.
 - Total impervious area will be reduced: house from 2703 sf to 2189 sf; driveway from 1073 sf to 588 sf
 - Driveway runoff will be intercepted and directed to a trench drain and infiltration system.
 - 555 sq ft of native plantings will be installed.
 - An excess of 9% of the required compensatory flood storage will be provided.
 - **Other Discussion**
 - New plans with test pit information and addressing Engineering’s requests were submitted at the meeting. Those plans indicate that the infiltration system will be above Seasonal High Ground Water.
 - The basement will be in the flood plain, but will not be habitable, a Building Department concern.
 - The planting schedule has many wetland species, but John Rockwood is confident that the selected species will thrive.
 - Abutter from 40 Placid noted concerns about the fence being moved to the property line (disturbing plantings on his side of the fence) and on the new trees being placed so close to the property line and encroaching on his “air space”. The Commission noted that the neighbors should resolve those concerns, but that the plans as presented were permissible and that moving the proposed plants around on the site, if desired, would be administratively approvable.
- Vote: to close the hearing and issue an OOC with the following special conditions (Motion: Judy Hepburn; Second: Jeff Zabel; Vote: 4:0:0).

Prior to the start of work

26. The applicant must schedule and attend a pre-construction site visit
27. The applicant shall provide proof of Engineering review and approval of the proposed infiltration system prior to the start of construction.
28. 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 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.
29. Tree protection: Since no mature trees are due to be removed, appropriate tree protection (i.e., orange snow fence (or the equivalent) at the dripline) must be installed to ensure complete protection throughout the construction process. If any trees within the jurisdictional area within the project area die within 2 years of the

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start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).

30. The O&M plan must be recorded with this Order and with the Certificate of Compliance.

During Work

31. Landscape plantings within Commission jurisdiction must: Be installed in compliance with the approved plans and must survive over 75% of the planting area for 2 growing seasons
32. Applicant must provide compensatory flood storage as per the plans. This shall be demonstrated through an as-built plan with 1-foot contours.
33. The stormwater infiltration system must be installed as per the approved plans.
34. The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Conservation Office.
35. The Operations and Maintenance Plan must be recorded at the Registry of Deeds.

After Work

36. An as-built plan signed by the engineer certifying compliance with the approved plans and order must be submitted.
37. 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.

Perpetual Conditions Specific to this Project

38. Operation and Maintenance. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
39. 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.
40. Required mitigation planting areas shall be maintained in perpetuity in their predominantly natural condition.
41. No fill shall be placed within the flood zone (including the newly created swale) without prior approval of the Commission.

4. NOI – 1 Quinobequin Rd – Gas main replacement under Charles River – DEP file #239-810 N.B. DEP refers to this project as “66 Walnut St.” (the Wellesley location).

- Request: Applicant is seeking OOC to replace a 16” gas main under the Charles River.
- Owner: DCR (Patrice Kish, signer) Applicant: Andrew Shelby (National Grid) Representative: Jonathan Novak (Coneco Engineering)
- Documents Presented: colored plans plans, photos, aerials, draft OOC
- Jurisdiction: Bank, LUWW, Riverfront Area, BLSF
- Presentation (Jonathan Novak) and Discussion
 - **Project Summary**
 - Applicant proposes to vacuum trench in the river and “regular” trench on the shore to install a new pipe and cap the old pipe. The alignment is from an existing Wellesley regulator building to an existing Newton transmission station on DCR land.
 - Gas line repair/replacement/maintenance is potentially exempt (10.02).
 - Gas line repair/replacement/maintenance is also permittable as a “limited” project (for work in LUWW)
 - Proposed project appears to meet performance standards for work in RFA and Bank.
 - River flow is said to not be impeded.
 - Work is anticipated to last 4-6 weeks.
 - **Impact Summary**:
 - Bank: 21 linear feet of alteration, but no significant adverse impact to wildlife habitat
 - LUWW: 721 sf of temporary alteration, but no permanent alteration
 - BLSF: 5949 sf of alteration, but no net fill and no significant adverse impact to wildlife habitat
 - RFA: 5949 sf of alteration, but no significant adverse impact
 - **Other Discussion**

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- Alternative methods (e.g., horizontal directional drilling) are not viable given topography and location of roads.
- Vacuum trenching is basically “placer mining” with high pressure water hose and a vacuum hose.
- Trench will be 5 feet deep and 2 feet wide.
- Vacuum trenching and excavation will occur during low flow period and should only last a few days.
- All vacuum spoils will be dealt with in Wellesley.
- Newton’s dry land trench spoils will be dewatered in Newton.
- The turbidity curtain may need to be doubled. A detail will be provided.
- Applicant may need to secure a USACE 404 permit.
- Applicant must restabilize the bank with something like coir logs and willow whips where trenching disturbs the established bank and root mass.
- **Vote:** to close the hearing and issue an OOC with the following special conditions (Motion: Dan Green; Second: Jeff Zabel; Vote: 4:0:0).

Prior to the start of work

21. The applicant must schedule and attend a pre-construction site visit:
22. Dewatering shall occur within a hay bale “basin” as per the plans.
23. No net fill is allowed within flood zone on the site. Original grades must be reestablished.
24. All existing trees except for the one mature tree noted as “to be removed” and the nearby ~7” deciduous tree must be protected (in their entirety, including trunks, branches, and roots) during construction and restoration activities.
25. Disturbed bank shall be re-stabilized after excavation and pipe installation are complete. Stabilization shall be accomplished using anchored coir log and live native willow “whips” or the “green” structural equivalent.
26. A plan and detail shall be submitted to the Conservation Office for review and approval prior to the start of work to ensure full protection of downstream resources.

During Work

27. All work associated with the project that requires the temporary diversion of the Charles River shall be completed during the “low-flow” months of August-October.
28. Restoration and stabilization seed and plantings within Commission jurisdiction must survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted.

After Work

29. All exposed soils within resource areas, and buffer zones must be stabilized with a permanent vegetative cover.
30. Excess material including but not limited to soil, cut vegetation or other landscape debris generated from work associated with this project shall be removed from the site and disposed of in a legal fashion.
31. An as-built plan signed by the engineer certifying compliance with the approved plans and order must be submitted.

5. NOI – Needham Street/Needham-Highland Bridge – road reconstruction and bridge rehab – DEP file #239-815

- **Request:** Applicant is seeking OOC to reconstruct Needham Street from Winchester Street to the Oak/Christina Intersection and to rehabilitate the Needham St. bridge across the Charles River.
- **Owner:** MassDOT **Applicant:** Sue McArthur (MassDOT) **Representative:** Marie Sullivan, Dave Glenn, Tom Currier (Stantec)
- **Documents Presented:** colored plans plans, photos, aerials, draft OOC
- **Jurisdiction:** LUWW, Riverfront Area, BLSF
- **Performance Standards**
 - **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.”
 - **RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation: 10.58(5)**
 - ... work improves existing conditions.

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- Redevelopment means ... reuse of degraded or previously developed areas.
- A previously developed riverfront area contains areas degraded prior to August 7, 1996....
- Work to redevelop previously developed riverfront areas shall ...:
 - (a) At a minimum, work shall result in an improvement over existing conditions ...
 - (b) Stormwater management is provided according to standards
 - (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less
 - (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
 - (e) ... proposed work shall not exceed the ... degraded area ... except in accordance with 10.58(5)(f) or (g).
 - (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
 - (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
 - (h) The issuing authority shall include a continuing condition in the COC ...under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....
- **LUW:** 10.56
 - (a) Work shall not impair the following:
 1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;
 2. Ground and surface water quality;
 3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and
 4. The capacity of said land to provide important wildlife habitat functions.
 5. Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.56(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards...
 - (b) The issuing authority may issue an Order to maintain or improve boat channels
 - (c) No project may be permitted which will have any adverse effect on rare species.
- Presentation and Discussion
 - **Project Summary**
 - Applicant is seeking OOC to reconstruct the Needham Street ROW from Winchester Street to the Oak/Christina Intersection. There will be new cross-sections established to provide dedicated bike lanes, and sidewalks, intersection improvements, and drainage improvements.
 - Applicant is also proposing to rehabilitate the existing bridge crossing the Charles River at terminus of Needham Street and the beginning of Highland Street on the Needham side of the river to accommodate expanded bike lanes and sidewalks.
 - The City has been working with the state for years on this project, so the design is "at 100%" now.
 - Stormwater improvements include new deed-sump hooded catch-basins, 5 infiltration trenches, and the excess capacity of the stormwater swale being built in conjunction with the Oak/Christina/Needham Street intersection project permitted a couple of years ago.
 - **Impact Summary:** The project will entail
 - No impact to bank
 - Temporary alterations to ~200 sf of LUWW associated with the installation of scaffolding for work to repair the bridge abutments and facing.
 - Minor changes to the cross-sections will affect BLSF, but there is due to be a net increase in flood storage capacity of 165.5 cy.
 - Work within RFA will primarily be alterations to prior degraded areas. There will be one half acre new impervious area because of expanded sidewalks and bike paths.
 - 6 Infiltration trenches and new deep sump catch basins will decrease stormwater contributions to the City system and provide greater treatment.
 - DEP's stormwater standards are being met.

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- TMDL requires a reduction in Phosphorous. Reduction is shown (to the maximum extent practicable) in the stormwater report.
- Work on the underside of the bridge will be by hand and access will be by foot.
- **Other Discussion**
 - Plan set cover page says “75% sub redesign” but is signed 8-30-2018 and should be called “100%”. Marie will rectify that with a new title sheet.
 - Grading plan sheets will be submitted to clearly define what areas are being cut (2607 cy) and what areas are being filled (2442 cy).
 - Erosion controls near the bridge will be modified to be entrenched silt fence with a proper “J” hook at the end.
 - Dave Glenn will clarify what portion of stormwater flows from small storms the infiltration trenches and stormwater swale will treat.
 - Infiltration trench detail will be clarified.
 - O&M plan for the stormwater system will be provided
 - Concrete washout plans will be necessary but will likely have to be conditioned.
 - SWPPP will likely have to be conditioned.
 - Plans for Installation and maintenance of protective shielding/netting under bridge will be necessary.
- Consensus: Continue to 10/11/18 to allow the applicant time to provide the materials described above.

6. NOI/Enforcement Action – 33 Wayne Rd. – Tear-down/re-build – DEP file #239-811

- Request: Applicant requested a continuation to the 10/11/18 meeting to allow time to develop a plan to bring the site into compliance with the wetland regulations
- Owner: Carmine Petruziello Applicant: Carmine Petruziello Representative: John Rockwood (Ecotec, Inc)
- Documents Presented: none
- Consensus: Continue to 10/11/18 to allow the applicant time to provide the necessary materials.

7. COC – 1 Malvern Terrace – DEP File #239-726 – tear down/rebuild single-family home

- Request: Applicant is requesting a Certificate of Compliance. The applicant has been asked to close out the now expired OOC. The project has been approved and permitted under a new OOC DEP file #239-808. The work completed under DEP file #239-726 included demolishing the original single-family home, removing the large maple tree, removal of trees and shrubs along the southern property line, and capping the old utilities. Construction of the new house, driveway, infiltration system, and restoration planting area had not been initiated when 239-726 expired. The new OOC (DEP file #239-808) permits/requires construction of the new house, driveway, infiltration system, and restoration planting area.
- Owner/Applicant: Mandayam Srinivasan Representative: none
- Documents Presented: none photos, draft COC
- Presentation and Discussion: A staff site visit on 7/10/18 confirmed that the work that was done and was done in substantial compliance with the permit. The required state form and engineer’s letter have been received.
- Vote: to issue a complete Certificate of Compliance, noting that much of work was never initiated and that a new OOC (DEP file #239-808) now governs this project with mitigation planting requirements (motion: Judy Hepburn; second: Dan Green; vote: 4:0:0).

8. COC – 280 Islington Road – additions to a single-family home – DEP File #239-329

- Request: Applicant is requesting a Certificate of Compliance for two additions to a single-family home constructed under OOC DEP file #239-329.
- Owner/Applicant: Barry Payne and Sue Sheppard Representative: none
- Documents Presented: none photos, draft COC
- Presentation and Discussion:
 - The original OOC (DEP file #239-329) was issued in 1997 but was never closed out.
 - An as-built plan, state form, and engineer’s letter were received, but an unpermitted hot tub and a berm had been placed within the flood zone and unpermitted clearing had taken place.
 - In 2017 the new owner was told to bring the site in compliance by removing 3 cubic yards of fill, allowing the clearing to revegetate and installing mitigation plantings.

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- In 2018, two large pine trees were approved for removal.
- Staff site visits on 9/7/18 and 4/7/18 confirmed that the site has been brought into substantial compliance with the permit and the required modifications.
- Vote: to issue a complete Certificate of Compliance (motion: Jeff Zabel; second: Dan Green; vote: 4:0:0).

II. CONSERVATION AREA DECISIONS – none at this time

III. ADMINISTRATIVE DECISIONS

9. Minutes of 8/30/18 to be approved.

- Documents Presented: draft minutes draft minutes
- Vote to approve the 8/30/18 minutes (motion: Jeff Zabel; second: Dan Green; vote: 3:0:1).

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- 56 Farwell: Jill Provencal issued a Superseding OOC. Her conditions were more limited than the Commission's.

VI. CONSERVATION AREA UPDATES

- Norumbega slope restoration. Bid meeting was held on 9/20/18.
- Old Deer Park. Bittersweet mowing/brush-hogging is desperately needed.
- Encroachments. A rough plan has been developed for 261 Parker St.
- Coordinated land management proposal will be sent to Parks and Rec. for mowing and street clean ups.

VII. ISSUES AROUND TOWN UPDATES

- Climate Action workshops: CAP workshop = Oct 23, CCVA workshop = Oct 29.

VIII. ADMINISTRATIVE MATTER UPDATES

- **Wetland Ordinance** – A new draft will be distributed for Commission review.
- **MACC Fall Conference** -- application was distributed.
- **Annual report about water chestnut harvest** – was distributed.

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

ADJOURN - Vote to adjourn at 10:46 (motion: Dan Green; second: Jeff Zabel; vote: 4:0:0).

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