

CONSERVATION COMMISSION MINUTES

Date: October 11, 2018
Time: 7:07 pm
Place: City Hall, Room 204

With a quorum present, the meeting opened with Susan Lunin presiding as Chair

Members Present: Dan Green, Judy Hepburn, Ellen Katz, Kathy Cade (Associate)

Staff Present: Jennifer Steel

Members Absent: Ira Wallach, Jeff Zabel, Norm Richardson

Members of the Public: See sign-in sheet

DECISIONS

I. WETLANDS DECISIONS

1. NOI – 1 Wells Ave – Eagle Scout pedestrian bridge construction project – DEP File #239-XXX

- **Request:** Construct a pedestrian bridge over Country Club Brook and connecting trail to allow users of the Helen Heyn trail to not have to go out onto the sidewalk of Wells Ave.
- **Owners:** William James College Inc (1 Wells) & AG-JMC Wells Ave Property Owner LLC (7-57 Wells) **Applicant:** Aiden Farrar, Eagle Scout
- **Documents Presented:** colored plans, bridge design detail plans, photos, draft OOC
- **Jurisdiction:** Bank, Riverfront Area, BLSF, and City Floodplain
- **Presentation (Aiden Farrar) and Discussion**
 - **Project Summary**
 - A new mulched trail to connect two portions of the existing Helen Heyn Riverway Trail to allow users to avoid the Wells Ave sidewalk. The new trail will require a small footbridge across Country Club Brook.
 - A wooden footbridge spanning Country Club Brook, downstream of and below the level of the culvert under Wells Ave. (per Engineering's/Utilities' request).
 - The bridge has been requested by members of the Conservators for years.
 - This bridge has been approved by the City Engineering and Utilities Departments.
 - The applicant will pre-cut the lumber and construct the bridge on site on November 3.
 - **Impact Summary**
 - Approximately 10 s.f. of RFA will be altered by the new bridge footings.
 - Minimal vegetation clearing near the stream will be required to allow the bridge to be placed and trail to be located. The vegetation in this area consists mainly of bittersweet and poison ivy. The remainder of the new trail alignment is currently grass. No trees will be cut or damaged.
 - Fill in floodplain will be minimal and will not increase the horizontal extent and level of flood waters during peak flows (since the bridge is down-gradient of the culvert). The bridge will be a simple box construction of pressure treated wood, secured into the bank using pieces of rebar through footings.
 - All work will be done by hand.
 - **Discussion**
 - Most Commissioners were supportive of the project.
 - Judy Hepburn noted several concerns: the lack of railings, the potential for the bridge to be washed away during flood conditions, and the possibility of wood chips migrating into the wetlands.
- **Vote:** to close the hearing and issue an OOC with the following special conditions [Motion: Dan Green, second: Ellen Katz, vote 3:1:0].
 - 21. The applicant must schedule and attend a pre-construction site visit
 - 22. Soil or other unconsolidated debris and cut brush shall not be placed or left in



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
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the 100' buffer zone. Any excess spoil material, brush, or mulch which is to remain on the premises shall be appropriately disposed of and protected against erosion.

23. No mature trees may be cut.
24. The footbed of the new trail must be left level, stable, and non-erosive. Upon completion of the project, all exposed soil areas shall be stabilized and/or mulched.
25. If wood chips are to be spread on sections of the new trail, they shall be placed in a manner and location to limit transport off the trail surface.
26. The bridge shall be anchored with re-bar to ensure complete stability.
27. All remnant materials shall be removed and disposed of properly.
28. Upon completion of the project, the applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
 - a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. A letter from the applicant certifying compliance with the approved plan.
 - b. Before and after photos.

2. NOI (cont'd) – Cobb Place – paving private right-of-way – DEP File #239-817

- Request: Applicant is seeking OOC to pave an existing, gravel, privately owned street and install country drainage on either side of the street.
- Owners: multiple Applicant/Representatives: Barry Sarao (M. Delvecchio Construction), Liz Andres (owner)
- Documents Presented: sketch plan plans, photos, draft OOC
- Jurisdiction: Riverfront Area
- Presentation (Liz Andres) and Discussion
 - **Project Summary**: Applicant is proposing to excavate the existing ~22' wide gravel road and asphalt apron (at Quinobequin Rd.), remove unsuitable soil, add material to crown the road, pave, and install country drainage (perforated pipes in stone trenches) in segments along the road sides. All excavation materials will go directly into a truck (i.e., there will be no stockpiling on site).
 - **Impact Summary**:
 - A 90' stretch of Cobb Place is within outer riparian zone (RFA)
 - Cobb Place will be narrowed from an existing 22-24' wide gravel road to an 18-20' wide paved road with country drainage along either side. The proposed "increase" in impervious surface area (i.e., the paving) within RFA is roughly 1980 s.f.
 - Applicant is proposing country drainage for stormwater management, so runoff will be reduced, reducing ponding at the intersection and improving stormwater treatment.
 - Trees and tree roots that line portions of the road will be avoided.
 - Site plan sketches, site photos, and details of the proposed country drainage have been received and seem appropriate for a private roadway improvement project.
- Vote: to close the hearing and issue an OOC with the following special conditions [Motion: Dan Green, second: Judy Hepburn, vote 4:0:0].
 29. Applicant and supervisor must schedule and attend a pre-construction site visit
 30. Silt sacks must be installed in the down gradient catch-basin on Quinobequin Road.
 31. A 10" compost sock (erosion control) must be installed across the end of Cobb Place parallel to Quinobequin Road, inspected, and maintained during the construction period until the site is stable. Earth shall not be backfilled against or allowed to overtop erosion control barriers. If a breach of the erosion control barriers occurs, the Newton Conservation Commission shall be notified, and measures shall be taken to remediate said breach under the guidance of the Commission. All soils must be contained on the site. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils.
 32. Existing Trees. The Applicant shall make every effort to protect trees and roots during the excavation of the country drainage trenches. Excavation shall, to the maximum extent possible, limit damage to roots of existing trees and shrubs.

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- 33. The stormwater infiltration system must be installed as per the approved plans.
- 34. An as-built plan signed by the installer certifying compliance with the approved plans and order must be submitted.
- 35. A letter from the installer certifying compliance with the approved planting scheme must be submitted.

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

- Request: OOC for reconstruction of Needham Street from Route 9 to the Needham St. bridge across the Charles.
- Owner: MassDOT Applicant: Sue McArthur (MassDOT) Representative: Marie Sullivan, Dave Glenn, Tom Currier (Stantec)
- Documents Presented: none plans, photos, draft OOC
- Jurisdiction: LUWW, Riverfront Area, BLSF
- Presentation (Dave Glenn) and Discussion
 - **Project Summary**
 - Applicant is seeking OOC to reconstruct the Needham Street ROW from Route 9 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 and so the design is “at 100%” now.
 - Stormwater improvements include new deep-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.
 - 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.
 - **Discussion**
 - Dave Glenn clarified that the infiltration trenches are designed to treat 1” of water from the new impervious area (a small fraction of the entire corridor).
 - All requested materials were submitted in a timely manner, but because the plan sheets have been submitted piecemeal and because individual plan sheets arise from different plan sets and are not individually dated, at the Conservation Agent’s request, the applicant will provide one complete plan set (of the 37 relevant pages noted by the Agent).
- Vote: to issue an OOC with the following conditions once the final, consolidated, dated plan set is submitted [Motion: Dan Green, second: Judy Hepburn, vote 4:0:0].

Prior to the start of work

- 21. The applicant must schedule and attend a pre-construction site visit to review:

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22. SWPPP. The Applicant shall provide to the Conservation Commission for review and approval prior to the start of construction, including but not limited to the following.
 - a. Concrete washout plans and accommodations: The Applicant shall provide to the Conservation Commission for review and approval 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 any Wetlands Resource Area or Buffer Zone.
 - b. Netting for bridge work plans. The Applicant shall provide to the Conservation Commission for review and approval a plan that clearly shows how scaffolding and netting will be installed to stop debris from entering the river during work on the bridge facing and cantilevered sidewalks.
23. Erosion and sediment control. The Applicant shall install all appropriate sediment and erosion control measures including properly installed sediment fence and catch-basin protection.

During Work

24. Plantings within Commission jurisdiction must:
 - a. Be installed in compliance with the approved plans. Desired deviations from the approved plans must be approved by the Conservation office in advance.
 - b. Survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted
25. Provide compensatory flood storage as per the plans by removing at least 165.5 cy from the flood plain area.
26. The City Engineer must inspect the infiltration trenches upon excavation and initial installation (prior to being covered). The applicant must submit proof of inspection to the Conservation Office.

After Work

27. If any the trees to be protected die within 2 years of the 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).
28. An as-built plan set signed by the engineer certifying compliance with the approved plans and order must be submitted.

4. NOI – 33 Wayne Rd. – DEP file #239-811 – Enforcement action and tear-down/re-build

- Request: Applicant will present the restoration planting plan developed in response to the unpermitted tree cutting in RFA. Applicant has requested a continuation to the 11/1/18 meeting to allow more time to develop the plans for the tear down/rebuild portion of the project.
- Owner/Applicant: Carmine Petruziello Representative: John Rockwood (Ecotec, Inc)
- Documents Presented: restoration planting plan restoration planting plan
- Jurisdiction: Riverfront Area
- Presentation (John Rockwood) and Discussion
 - The restoration planting plan was described, noting inch for caliper inch replacement in RFA, with increased diversity of species and sizes. It was noted that the plan may change a bit as the house plans evolve.
- Consensus: The restoration planting plan looks good and the species were determined to be appropriate. Accept the applicant's request to continue the hearing to 11/1/18.

5. ANRAD – 29 Greenwood Street – confirming wetland lines

- Request: Applicant is requesting confirmation of the wetland line as flagged on the submitted plans.
- Owner/Applicant: Keith Moskow, Trustee of Packet Realty Trust Representative: Sarah Stearns, Beals & Thomas, Inc
- Documents Presented: colored plans photos of flags in field, draft ORAD
- Jurisdiction: Buffer Zone
- Presentation (Sarah Stearns) and Discussion
 - **Project Summary**: As the ORAD issued for the site in 2013 is now expired, the homeowner is confirming the locations of the wetland line in order to receive a new ORAD. The site is highly disturbed and full of invasive species, so setting the line is challenging. Staff modified (a bit) the proposed wetland line during a site visit with the applicant on 10/5/18. A revised plan was presented.
 - **Impact Summary**: There is no impact for this project as no work is being proposed at this point in time.

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- **Discussion:** Only a portion (flags A9-A51) of the mapped BVW line was confirmed in the field. BVW flags A1-A8 were not confirmed. The City floodplain line was confirmed as accurately depicted on the plans. The Wetland Restriction line was not confirmed. Development plans are not clear at this point in time.
- Vote: To issue an Order of Resource Area Delineation stating the following [Motion: Ellen Katz, second: Dan Green, vote 4:0:0].

This ORAD approves, as shown on plan "Compiled Topographic Plan - 29 Greenwood Street Newton, MA" by Beals and Thomas, stamped by Kirk Aubuchont (10/11/18):

- BVW flags A50-A9
- City floodplain elevation

This ORAD does not approve, as shown on plan "Compiled Topographic Plan - 29 Greenwood Street Newton, MA" by Beals and Thomas, stamped by Kirk Aubuchont (10/11/18):

- BVW flags A8-A1
- Wetland restriction Line
- Stream/"By the Ditch" perennality/intermittency and top of bank.

6. COC – 320 Needham Street – Bulfinch Properties – DEP file #239-727

- Request: Applicant is requesting a Certificate of Compliance for the bank restoration efforts associated with illegal dumping of snow in the river and resulting damage to the banks of the river.
- Owner/Applicant: The Bulfinch Companies Representative: Robert A. Gemma, MetroWest Engineering, Inc.
- Documents Presented: photos, draft DOA
- Jurisdiction: Riverfront Area
- Presentation (Rob Gemma) and Discussion: To close out this old project prior to issuing a Determination of Applicability for the repaving request (see item #7), at the Conservation Agent's request, the applicant has submitted all necessary paperwork for a COC. The only issue to be resolved is that of 9 dead trees. The restoration area is mostly densely vegetated, and certainly exceeds the 75% survival/cover requirement, but 9 trees did not survive. The applicant is willing to plant 9 native saplings of different species (under the new Determination, see agenda item #7, below). Since Ellen Katz noted some barrenness on the bank, she suggested native sumac to vegetate the bank and native canopy trees at higher elevations be required under the new Determination, see agenda item #7, below. That suggestion was accepted by the Commission and the applicant.
- Vote: To issue a complete Certificate of Compliance. [Motion: Judy Hepburn, second: Ellen Katz, vote 4:0:0].

7. RDA – 320 Needham Street – grinding and paving of parking lot

- Request: Applicant is requesting a Determination of Applicability for the proposed grinding and subsequent repaving of two parking lots at 320 Needham Street.
- Owner/Applicant: The Bulfinch Companies Representative: Robert A. Gemma, MetroWest Engineering, Inc.
- Documents Presented: colored plans photos, draft DOA
- Jurisdiction: Riverfront Area
- Presentation (Rob Gemma) and Discussion:
 - **Project Summary:** Applicant is proposing to grind, fine grade, and repave the parking lot (within Riverfront Area).
 - **Impact Summary:**
 - At the Conservation Agent's request, the applicant has agreed to include a 4' wide strip of pervious asphalt (over 23" of proper sub-base) at the lower edge of the parking lot to increase water quality treatment.
 - No expansion or elevation changes are planned for this project.
 - Because of the pervious asphalt strip being added to the project scope, water quality will be improved, and infiltration will be increased. There will be 1.5 feet of separation to groundwater. The strip should handle the 0.5"-1" storm.
 - Work will occur within existing pavement. The proposed work is expected to be completed within a period of 48 hours of dry weather. Storm drains on site will be protected with silt sacks under the grates, so there should be no significant impact to the resource area.
 - Curbing will not be altered, so erosion or sedimentation controls are not necessary.
 - The nine trees that died should be replaced with some saplings and something on the bank to limit erosion.

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- **Discussion**
 - Appreciation for the applicant's cooperation and dedication to restoration.
- **Vote:** to issue a negative 3 Determination with the following special conditions. [Motion: Dan Green, second: Ellen Katz, vote 4:0:0].
 - A 4-foot wide strip of porous pavement will be installed along the lower edge of the parking lot (parallel to the river) to increase infiltration.
 - 9 dead trees are to be replaced with 4 red maples (as shown on the plan) and a minimum of 10 1-gallon containers of native sumac or similar species (to vegetate the eroding bank).

8. COC – 100 Old England Road – additions to a SFH and work on associated site features – DEP File #239-752

- **Request:** Applicant is requesting a Certificate of Compliance for an addition, a patio, garage, and pool, and required mitigation plantings under OOC DEP file #239-752.
- **Owner/Applicant:** Sean Wilder **Representative:** Mike Kosmo, Everett M. Brooks Company
- **Documents Presented:** none photos, draft COC
- **Discussion:**
 - Note: Dan Green noted that the owner is a tenant in Dan Green's office building.
 - All appropriate paperwork has been received. A staff site visit confirmed that the work has been completed in substantial compliance and that required mitigation plantings are extremely robust and have survived.
- **Vote:** to issue a complete Certificate of Compliance [Motion: Judy Hepburn, second: Ellen Katz, vote 4:0:0].

II. CONSERVATION AREA DECISIONS

9. Bench to be donated for Norumbega – There is a potential memorial bench donor for Norumbega. Does the Commission have a policy for installation of memorial benches, trees, plaques, etc.?

- **Discussion:** The Commission must approve of the location, the durability, and aesthetics of the bench. All costs should be borne by the donor. All benches and plaques should be durable and vandal-proof.

10. Old Deer Park bittersweet mowing/brush-hogging and trail creation. Aerial map

- **Discussion/Consensus**
 - To combat bittersweet in broad areas, we must brush-hog or herbicide. Cost for brush-hogging is significant. Duration of efficacy is limited.
 - Specimen trees near a trail could likely be kept clear of vines with weed whackers and mulch
 - To create a trail we will need to mow and mulch.
 - The Commission supports a pilot project of spraying (away from the trees), mechanical removal near the trees, and mowing for a trail. A professional licensed sprayer should be asked how far away from the trees herbicide must be kept to ensure the health of the trees.

III. ADMINISTRATIVE DECISIONS

11. Minutes of 9/20/18 to be approved.

- a. **Documents Presented:** draft minutes draft minutes
- **Vote:** to approve the 9/20/18 minutes [Motion: Dan Green, second: Judy Hepburn, vote 4:0:0].

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- **56 Farwell:** Due to get underway within a month.
- **Road Salt:** update from Shane Mark received. update
- **Mitigation area BMPs:** BMPs for addressing invasives are being researched.

VI. CONSERVATION AREA UPDATES

- **Oakdale Woods Encroachment.** A restoration plan and budget (~\$2200) have been developed for 261 Parker St. Virginia creeper was recommended as a ground cover. aerial and photos
- **Norumbega slope restoration.** No were bids received. City contractors will be pursued.

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- Stewards will be offered workdays (and potluck meals) to: install fence at Norumbega, place erosion controls at Charles River Pathway, install restoration plants in Saw Mill Brook behind 70 Wayne Rd., build an upland trail in Kessler Woods, and undertake parking lot improvements at Saw Mill Brook. Jason Lupien was recommended as a local arborist who might do landscape construction.
- Coordinated land management proposal has been sent to Parks and Rec. proposing shared mowing and street clean ups, and shared street tree removal. Seasonal assistance will be sought for special projects and trail clearing.

VII. ISSUES AROUND TOWN UPDATES

- Climate Action workshops: Commissioners were invited to the CAP workshop (Oct 23, War Memorial), and the CCVA workshop (Oct 29, Barry Price Center).
- Walking Loops. MIT intern will work for 3 weeks in January to design 1-3 trial walking loops, creating for each a map, budget, medallion design, medallion/post placement map, location for benches, points of interest, etc. and installing mock medallions as a trial.

VIII. ADMINISTRATIVE MATTER UPDATES

- MACC Fall Conference. 10/20/18 in Leominster. The Commission has money (WPA funds) to pay for ~4 conferences or workshops per year. Commissioners were encouraged to attend.

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

ADJOURN Vote: to adjourn at 9:59 [Motion: Dan Green, second: Susan Lunin, vote 4:0:0].

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