

CONSERVATION COMMISSION MINUTES

Date: November 1, 2018

Time: 7:00 pm

Place: City Hall, Room 204

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

Members Present: Susan Lunin, Dan Green, Judy Hepburn, Norm Richardson, Ellen Katz, Kathy Cade (Associate), Jeff Zabel (7:10)

Staff Present: Jennifer Steel

Members Absent: none

Members of the Public: See sign-in sheet

DECISIONS

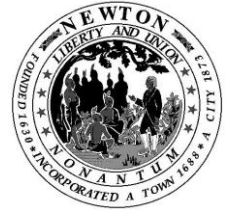
I. WETLANDS DECISIONS

1. RDA – Commonwealth Ave (in front of 2345 Comm Ave) – new bus stop

- **Request:** Improvements to a bus stop at the sidewalk and grassed median in front of the Marriott Hotel on Commonwealth Ave.
- **Owner/Applicant:** Holly Palmgren (MBTA) **Representative:** Sandra Cleary, Mark King (Weston & Sampson)
- **Documents Presented:** colored site plan photos, draft DOA
- **Jurisdiction:** all work is outside of Riverfront Area
- **Presentation (Holly Palmgren) and Discussion**
 - Applicant is proposing the construction bus stop improvements on Commonwealth Avenue in an area of existing sidewalk and grassy median. The work will require a portion of the grassy median separating the sidewalk from Commonwealth Ave to be bricked to provide a level/firm surface for accessibility.
 - All work will be occurring outside of ConCom jurisdiction.
- **Vote:** to issue a negative 4 Determination [Motion: Dan Green; Second: Norm Richardson; Vote: 6:0:0].

2. NOI (cont'd) – 33 Wayne Rd – DEP file #239-811 – Enforcement action and tear-down/re-build

- **Request:** Demolition and reconstruction of a single-family home with associated restoration planting plan developed in response to the unpermitted tree cutting in RFA.
- **Owner/Applicant:** Carmine Petruziello **Representative:** John Rockwood (Ecotec, Inc)
- **Documents Presented:** colored site plan photos, draft OOC
- **Jurisdiction:** Riverfront Area
- **Presentation (John Rockwood) and Discussion**
 - **Project Summary:** The applicant has revised the plans (i.e., reduced the size of the proposed house) incorporated a mitigation planting area, and included the restoration planting area (for the unpermitted tree removal) in the plans.
 - **Impact Summary**
 - Restoration planting plan is inch for caliper inch.
 - Impervious area is due to increase 311 sf.
 - Mitigation planting area (26 native shrubs) is 650 sf and bounded.
 - **Discussion**
 - Hemlocks on eastern property line are dying.
 - Planting stock cited is very challenging to find and very large, so installation will be challenging.
 - The Commission noted the expanded footprint of impervious area and expansion of lawn and discussed whether such a plan would have been approved had the applicant sought permission prior to clearing the riverfront area and whether the propose mitigation planting area was in fact in need of mitigation. The consensus



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Senior
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Claire Rundelli

**Conservation
Commission
Members**
Dan Green
Judy Hepburn
Susan Lunin
Norm Richardson
Ira Wallach
Jeff Zabel
Ellen Katz

**Conservation
Commission
Alternates**
Kathy Cade

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was that the plan as presented would not have been approved, so the Commission sought a larger permanently bounded mitigation planting area and reduced limit of lawn to ensure that unpermitted activity was not, in essence, rewarded. The Commission asked that the bounded restoration area be collocated with the line of 4 trees at the rear of the proposed lawn.

- Consensus: to accept the applicant's request for a continuation to 11/20/18 to review revised plans.

3. NOI – 326 Fuller Street – new electrical connection – DEP file #239-820

- Request: Lay a new electrical connection from an existing maintenance building to the new pump house and wet well, approved under permit #239-812.
- Owner: Brae Burn Country Club Applicant: Sean McLaughlin Representative: Sarah Stearns (Beals & Thomas)
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, City Floodplain
- Staff Notes
 - **Project Summary**:
 - Applicant is requesting approval to lay roughly 1450 linear feet of electrical conduit in a 30" x 21" trench from the maintenance facility to the recently approved wet well and pumphouse.
 - **Impact Summary**
 - Approximately 770' of the proposed conduit is in buffer zone to bank of the irrigation pond and intermittent stream, which translates into roughly 1540 s.f. (3080 cubic feet) of temporary disturbance.
 - The majority of the trench will be in existing lawn and existing pavement.
 - There are three mature trees in the buffer zone whose roots may be impacted by the proposed trenching. In digging the trench, workers will seek to minimize damage to the tree roots, but since the line will be high voltage, it will be in rigid conduit and run in straight segments with as few corners as possible. Brae Burn Country Club would like to preserve these trees and will monitor their health, replacing any that suffer as a result of the excavation.
 - The conduit will cross an intermittent stream (over the stream culvert & under an existing paved cart path).
 - Trench spoils will be side cast, the trench will be lined with sand, the conduit will be laid, and fill, loam and seed (or asphalt path) will be replaced in place and in kind.
- Staff Recommendations: Vote to close the hearing and to issue an OOC with the following special conditions [Motion: Susan Lunin; Second: Jeff Zabel; Vote: 7:0:0].
 21. The applicant must schedule and attend a pre-construction site visit.
 22. The Applicant shall protect the roots of the trees near the trench during construction to the maximum extent possible. If any of the affected trees dies or declines significantly within the 3-year period of the order of conditions, the applicant shall replace each with 2 native canopy saplings of roughly 2 caliper inches.
 23. An as-built plan signed by the engineer certifying compliance with the approved plans and order must be submitted to qualify for a Certificate of Compliance.

4. NOI – 116 Upland Ave – teardown/rebuild single family home – DEP File #239-XXX

- Request: Demolish the existing single-family home and associated site features and rebuild a new single-family home with deck and driveway.
- Owner/Applicant: Ilya Zvenigorodskiy Representative: self
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: Bordering Land Subject to Flooding and City Floodplain
- Presentation (Ilya Zvenigorodskiy) and Discussion
 - **N.B.**
 - A DEP file number has not yet been received, so the hearing cannot be closed.
 - The applicant has been working on plan modifications to limit fill in flood zone and provide unrestricted hydraulic connection to the new compensatory flood storage areas.
 - New plans were received immediately in advance of the meeting, so were discussed only in general.
 - The original test pit was not dug near the proposed infiltration system; a new test pit will be dug.

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- **Project Summary**
 - Applicant is proposing to demolish existing single-family home with associated driveway and small deck.
 - Applicant is proposing the construction of a slightly larger single-family home with associated deck and drive.
 - Applicant is proposing to collect drainage from the front half of the roof and a driveway trench drain and direct it to an underground chamber.
- **Impact Summary**
 - The volume of new fill will have to be compensated for. Plans are in flux, but the most recent plans indicate most new construction to be on foundation piers.
 - Applicant is proposing to remove 3 large mature deciduous trees (totaling 101”) and a patch of wild scrub; the only plantings proposed were arborvitae along the property boundaries. There was discussion about the Revised site design could limit the impact to trees, fill in floodplain, and required grade changes by:
 - Shortening the garage to allow a narrow driveway “mouth”
 - Building on piers instead of a full foundation
 - Minimizing the size of the deck and stairs
- **Abutter comments**
 - Steven Telio, 100 Upland Ave., noted that his rear yard area already floods and his basement utilizes a sump pump. He is concerned about the apparently very high water table.
 - Dan Scudder, 106 Upland Ave., submitted comments noting similar concerns about his rear yard being the lowest in the neighborhood and already flooding regularly after even just moderate rains.
 - Anthony Amicangioli, 29 Brierfield Rd., concerned that his lot (abuts the rear of the parcel), which shares the low point on the street, will see an increase in the severity of flooding and he notes that the water on his lot doesn’t drain for up to a week after bad storms. He is also concerned that the alteration of the topography and the size of the structure on 116 Upland will increase the water shedding onto his lot. He would like to see a pre- and post- development assessment of the property in regard to stormwater and flooding to determine the final results of the proposed development on the neighborhood.
- Consensus
 - Accept applicant’s request to continue to 11/10/18.
 - The applicant will provide revised plans, revised flood storage calculations, revised mitigation planting plan, and reduction of scale of rear stairs. Revised materials are due 11/13/18 at noon.

5. NOI – 177 Waban Ave – removal of 6 trees – DEP File #239-821

- Request: Applicant is seeking to remove six trees within the inner 50’ of buffer zone and trim one other tree.
- Owners: John and Elizabeth Bride Applicant/Representatives: James DeVellis (DeVellis Zrein, Inc)
- Documents Presented: colored plan plans, photos, draft OOC
- Jurisdiction: Buffer Zone and City Floodplain
- Presentation (James DeVellis and John Bride) and Discussion
 - **Project Summary**: Applicant is requesting to remove 6 mature trees and prune another that, according to the narrative provided, are hazardous. Mitigation plantings of 12 understory shrub/sapling species are proposed. Limited invasive species exist and are proposed to be managed. The applicant is concerned about trees or tree limbs falling on the house and doing damage to people or property. They are proposing to use Tree Tech with a crane located in the street to limit disturbance.
 - **Impact Summary**:
 - Removal and pruning are warranted and would have little adverse impact on the wetland.
 - The tree (tree #1 on the plan) to be pruned is nearly 100’ from the wetland and leaning well over the house.
 - The Commission felt that the 4 trees closest to the house (trees #2, 5, 6, and 7 on the plan) could be considered a threat to the house and so could be flush cut and fully removed from the site.
 - 5 of the trees proposed to be removed are within 30’ of the wetland, are full-grown native canopy trees totaling 106”, and provide excellent wildlife habitat. Removal would alter the canopy in the area and diminish the area’s wildlife habitat value and the shade it provides to the associated wetland.

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- The Commission felt that the 3 trees closest to the wetland (trees #1, 3, and 4 on the plan) seemed to pose little immediate threat to the house. Limited pruning to remove dead wood was appropriate.
 - Vote: to close the hearing and issue an OOC with the following conditions, to be released once a revised planting plan of 12 native canopy saplings (in ~7-gallon pots) and the native shrubs shown on the submitted plans has been received by the Conservation agent. [Motion: Jeff Zabel; Second: Ellen Katz; Vote: 7:0:0]
 - 21. The applicant must schedule and attend a pre-“construction” site visit to review
 - 22. Trees 3 and 4 may be pruned only to the extent necessary to provide a reasonable level of safety for persons and the house, while preserving the canopy and health of the tree.
 - 23. Existing mature trees and native understory growth must be protected during site work.
 - 24. Invasive exotic shrubs may be removed by hand. All native understory shrubs, vines, and plants must remain.
 - 25. Cut brush must be disposed of off-site.
 - 26. No grubbing of stumps or grade changes are permitted. This will ensure stability of the steep slope.
 - 27. Landscape plantings within Commission jurisdiction must be installed in compliance with the approved plans. Desired deviations from the approved plans must be approved by the Conservation office in advance. Planting must survive over 75% for 2 growing seasons for a Certificate of Compliance to be granted
 - 28. A letter from the arborist and the landscaper must be submitted (see condition #40).
- 6. OOC Extension – 1 Nonantum Rd. – boathouse renovations & plantings and public access trail – DEP File #239-745**
- Request: Applicant is requesting an extension on OOC #239-745 which approved the ex post facto reconstruction of the boathouse and new dock installation at 1 Nonantum Road. This OOC also required the creation of a public access trail and mitigation plantings.
 - Owner: Martha McMahon (DCAMM) Applicant: Teresa Foster (Boston Acad. of the Sacred Heart)
Representative: Daniel Padien (VHB)
 - Documents Presented: approved plans, draft OOC Extension
 - Jurisdiction: Riverfront Area, Buffer Zone, BLSF, and City Floodplain
 - Presentation (Daniel Padien) and Discussion: Appeals and contract negotiations delayed the start of construction. Construction is now due to begin in the spring of 2019. The original Order was amended on 6/28/18 to approve the trail layout and is due to expire on 11/25/18. The Order should be extended long enough to allow for the required monitoring of the restoration planting area.
 - Vote: to issue a 2-year extension to Order of Conditions #239-745. [Motion: Dan Green; Second: Judy Hepburn; Vote: 7:0:0]
- 7. COC – 46 Farwell St – hardscaping removal and new plantings w/ associated grading – DEP file #239-774**
- Request: Applicant is requesting a Certificate of Compliance for complete restoration of the river bank and parking lot.
 - Owner: Continuous Improvement Realty Trust Applicant: Brian McDonald Representative: none
 - Documents Presented: photos, draft COC
 - Jurisdiction: Riverfront Area, Bank, BLSF, City Flood Plain, and Buffer Zone
 - Discussion: A staff site visit on 6/25/18 confirmed that the site is in beautiful compliance with Order of Conditions. The owner, designers, and contractors did a beautiful job of restoring the state and private land.
 - Vote: to issue a complete Certificate of Compliance. [Motion: Jeff Zabel; Second: Dan Green; Vote: 7:0:0]
- 8. COC – 125 Wells Ave – rehab and new construction of turf fields w/ associated activities – DEP file #239-661**
- Request: Applicant is requesting a Certificate of Compliance for the turf field construction, flood storage, & plantings.
 - Owner: Solomon Schechter Day School Applicant/Rep: Calvin M Olson (Drummey Rosane Anderson, Inc.)
 - Documents Presented: photos, draft COC
 - Jurisdiction: BLSF and Buffer Zone
 - Discussion: At the last COC site visit, staff noted crumb rubber had migrated off the field and that the required “wind shield” had not been installed. A staff site visit on 10/25/18 confirmed that all accumulated crumb rubber has been cleaned up from the wetland area, the wind shield has been installed, and the construction of the compensatory flood area is in excellent condition. The site is now in compliance with Order of Conditions.

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- Vote: to issue a complete Certificate of Compliance. [Motion: Susan Lunin; Second: Ellen Katz; Vote: 7:0:0]

9. **Process question – 131-181 Needham St. – DEP file #239-720**

- Discussion: Decide whether to require an amended OOC for or allow as a minor plan change the new proposed compensatory flood storage creation at Newton Nexus (i.e., whether the work is in keeping with original scope and intent of the project and will have no significant effect on the functions or values of the wetland resource area).
- Owner: Crosspoint Applicant: Newton Nexus Representative: Kerry McCormack, Crosspoint
- Documents Presented: new plan photos
- Jurisdiction: BLSF and Buffer Zone
- Presentation (Kerry McCormack) and Discussion:
 - **Project Summary**: Under DEP regulations, the applicant must provide compensatory flood storage on a foot-for-foot basis. The new plans, currently under review by DPW's Utilities and Engineering Divisions, show a new basin in the corner of the parking lot to be connected to the river by a storm drain pipe. It really is the only location on the lot where the lowest elevation compensatory storage can be provided.
 - **Impact Summary**:
 - The area proposed for alteration is within outer buffer zone and Riverfront Area, but the area is highly disturbed, "outside" the rail-trail, and adjacent to the parking lot. A couple of small Norway maple trees (and piled fill) would be removed and replaced with a grassed basin.
 - The storage is required, the location is appropriate, the only thing missing is maximizing wildlife habitat value.
- Consensus: to allow the new plans to be received as a minor plan change, with all work to be shown on the as built plans, as long as: (1) DPW approves of the plans, (2) the plans clearly illustrate a limit of work, and (3) the plans include grass to stabilize the basin and native shrubs to be added around the basin.

II. CONSERVATION AREA DECISIONS

- 10. CPC Funds for Conservation Restriction Monitoring** – The required Conservation Restriction on 30 Wabasso Street (ConCom = owner) has been drafted and the \$5,000 in funds for monitoring has been agreed upon by the Newton Conservators (holders). The CPC needs the Commission to vote to accept the \$5000 monitoring funds as appropriate.
- Vote: to agree the \$5000 funds are appropriate. [Motion: Susan Lunin; Second: Ellen Katz; Vote: 7:0:0]

III. ADMINISTRATIVE DECISIONS

11. **Minutes of 10/11/18 to be approved.**

- Documents Presented: draft minutes draft minutes
- Vote: to approve the 10/11/18 minutes as amended. [Motion: Susan Lunin; Second: Dan Green; Vote: 7:0:0]

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- Mitigation area BMPs: Staff attended a class on aggressive native ground covers.

VI. CONSERVATION AREA UPDATES

- Norumbega slope restoration. 250 feet of fence were installed by volunteers on 10/21/18 to stop human and dog access to the slope. SumCo & Land Stewardship, Inc have been contacted to solicit estimates for restoration work.
- Norumbega Off-Leash Area: The RFP for the Parks and Recreation Off-Leash Dog area was released on 10/18/18.
- Next steward workday (November): Flag an upland trail in Kessler Woods.
- Oakdale Woods Encroachment. We missed the planting window, so this will have to wait until the spring.
- Old Deer Park: We missed the spraying window, so this will have to wait until the spring.

VII. ISSUES AROUND TOWN UPDATES

- Climate Action planning: CAP workshop (Oct 23) was well-attended, CCVA workshop (Oct 29) update. Website has opportunities for public input.
- Walking Loops. MIT intern will develop pilot "ACROSS Lexington"-style walking loops. Input would be greatly appreciated.
- Webster Woods: Full advisory panel may meet on November 14.

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VIII. ADMINISTRATIVE MATTER UPDATES

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

ADJOURN at 10:20 [Motion: Susan Lunin; Second: Jeff Zabel; Vote: 7:0:0]

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