

CONSERVATION COMMISSION MINUTES

Date: December 13, 2018

Time: 7:02 pm

Place: City Hall, Room 204

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

Members Present: Susan Lunin, Judy Hepburn, Norm Richardson, Kathy Cade (Associate)

Staff Present: Jennifer Steel

Members Absent: Jeff Zabel, Dan Green, Ellen Katz

Members of the Public: See sign-in sheet

DECISIONS

I. WETLANDS DECISIONS

1. Cert. of Compliance – 1 Wells Av/7-57 Wells Av – Eagle Scout Footbridge – DEP file #239-819

- **Request:** Applicant requested a Certificate of Compliance for the construction of a pedestrian foot bridge and new trail across Country Club Brook at Wells Ave, approved under OOC #239-819.
- **Owners:** William James College Inc / A.G-J.C.M Wells Ave Property Owner LLC **Applicant:** Aiden Farrar, Boy Scouts of America
- **Documents Presented:** photos
- **Jurisdiction:** BVW, Buffer Zone, Riverfront Area, BLSF, and City Floodplain
- **Staff Notes:** Staff 10/21/18 site visit confirmed that the project was completed in complete compliance with the Order of Conditions. The bridge looks great and staff encourage all Commissioners to try it out!
- **Vote:** to issue a complete Certificate of Compliance (Motion: Susan Lunin, Second: Norm Richardson, vote: 4:0:0).

2. NOI (cont'd) – 116 Upland Ave – teardown/rebuild single family home – DEP File #239-824

- **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:** Ilya Zvenigorodskiy
- **Documents Presented:** revised colored plans revised plans, photos, draft OOC
- **Jurisdiction:** Bordering Land Subject to Flooding and City Floodplain
- **Presentation and Discussion**
 - Applicant is proposing to demolish existing single-family home with associated driveway and small deck and to construct a larger single-family home with associated deck and drive.
 - Applicant will collect stormwater from the front half of the roof and driveway and direct it to an underground chamber. O&M plan has been received and approved.
 - The volume of new construction will be more than compensated for with the creation of an open crawl space and grading cuts. Excess foot-for-foot flood storage compensation has been provided. Total fill = 2829 cf, Total cut = 4894 cf.
 - Applicant is proposing to remove 3 large mature deciduous trees (totaling 101") and a patch of wild scrub. A mitigation planting plan has been submitted; it incorporates one weeping willow, one cherry, and a number of native shrubs, in addition to privacy hedges of arborvitae
 - The erosion controls have already been installed. That work is subject to risk of an appeal, as is was conducted without the permit having been issued.
- **Vote:** to close the hearing and issue an Order of Conditions with the following special conditions (Motion: Susan Lunin, Second: Judy Hepburn, vote: 4:0:0).
 21. The applicant must schedule and attend a pre-construction site visit to review:



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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22. The Applicant shall provide to the Conservation Commission a dewatering plan and a concrete washout plan.
23. Engineering requirements
 - a. Submit calculations that any additional flow will not compromise the existing drainage system.
 - b. Have the drain pipe inspected via a Closed-Circuit Television Inspection (CCTV) with an Inspector to witness.
 - c. A test pit shall be dug to meet the required 25' testing limit from the proposed system.
24. Landscape plantings must be installed in compliance with the approved plans. All trees must survive for 2 growing seasons and 75% of all other plants must survive for 2 growing seasons for a Certificate of Compliance to be granted.
25. Compensatory flood storage must be provided in its entirety as per the plans.
26. The stormwater infiltration system 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 Cons. Office.
28. An as-built plan signed by the engineer certifying compliance with the approved plans and order must be submitted.
29. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
30. The use of herbicides and other pesticides is prohibited and the use of fertilizers shall be limited.
31. To maintain the flood storage capacity of the site, no net fill may be brought onto the site within the floodplain elevation.
32. To maintain the flood storage capacity of the site, the crawl space under the house may not be filled or enclosed.

NOTE: Jennifer Steel will change the standard special condition to reflect the language in #24 above.

NOTE: Jennifer Steel will change the standard special condition cited #30 above from "improve" to "protect".

3. NOI – 53 Brandeis Road – teardown/rebuild single-family home – DEP File #239-825

- Request: Teardown an existing single-family home and construct a new one.
- Owner/Applicant: Esther Dezube (53 Brandeis Road, LLC) Applicant/Representatives: Debora J. Anderson (wetland consultant)
- Documents Presented: plans plans, photos, draft OOC
- Jurisdiction: Buffer Zone
- Discussion: With the understanding of the ConCom, neither the applicant nor the representative will present, as the only outstanding requirement was the issuance of a DEP file number. That has now been received.
 - **Project Summary:** Applicant is proposing to demolish an existing single-family home with associated site features including a deck and driveway, and the construction of a new single-family home (on a slab) with a new porch and driveway with a proposed bounded mitigation area.
 - **Impact Summary:**
 - Proposed project will result in a net increase of 580 s.f. of impervious area.
 - Applicant is proposing to remove 2 mature crab apple trees (~12" and 14").
 - The majority of work will occur in the outer 50' of buffer zone to BVW.
 - Some of the proposed deck is exempt from the regulations.
 - **Proposed mitigation:**
 - Applicant is proposing a bounded mitigation area with 2 saplings, 8 shrubs, and 12 herbaceous ground-cover plants. A number of other plantings are proposed for the landscaping around the lot but are not within the bounded mitigation areas.
 - Applicant is proposing to collect the majority of roof runoff and infiltrate it via a chamber system.
- Vote: to close the hearing and issue an Order of Conditions with the following special conditions (Motion: Susan Lunin, Second: Norm Richardson, vote: 4:0:0).
 21. Provide to the Conservation Commission for review and approval a dewatering plan.
 22. The applicant must schedule and attend a pre-construction site visit

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23. Landscape plantings must be planted as per the approved plans.
24. The stormwater infiltration systems must be installed as per the approved plans
25. The City Engineer must inspect the installation of the infiltration system. The applicant must submit proof of inspection.
26. Upon completion of the project the applicant must secure:
 - a. An as-built plan signed and stamped by the engineer.
 - 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.
 - c. A letter from a landscaper certifying that all plants were installed in compliance with approved planting plan.
27. The use of herbicides and other pesticides is prohibited and the use of fertilizers is to be limited.
28. Artificial lighting shall be designed to prevent lighting of the wetlands.

4. Certificate of Compliance (re-sign) – 320 Needham St. – DEP file #239-729

- Request: Applicant is requesting a resigned Certificate of Compliance for recording at the registry.
- Owners: The Bulfinch Companies Applicant: Robert Gemma (Bulfinch Companies)
- Documents Presented: draft COC
- Jurisdiction: Riverfront Area
- Discussion: Applicant never received the first signed COC in mail and is requesting a resigned original Certificate of Compliance for recording. This will close out the file as recorded under DEP file #239-729 at the registry.
- Vote: to issue a complete Certificate of Compliance for project #239-729 (Motion: Susan Lunin, Second: Judy Hepburn, vote: 4:0:0).

5. Emergency Certification – 11 Chesley Road – Hazard tree removal

- Request: Homeowner is requesting approval for the immediate removal of 3 hazard trees along the bank of Hammond Brook, since falling trees have already done significant property damage.
- Owner/Applicant: Ellen Silver and Craig Bernabei Representative: Ellen Silver and Craig Bernabei
- Documents Presented: original approved plans, arborist quote photos, draft E-Cert
- Jurisdiction: Buffer Zone and Riverfront Area
- Presentation and Discussion
 - **Site history**
 - The site does have a 30-foot wide City Floodplain area identified on it, however the Commission decided on File #239-777 (170-172 Sumner St.) that the 30-foot swath was not meaningful and that the City flood elevation of Hammond Brook in this area should be 129.5 NAVD88. Thus, the trees in question are outside the City flood zone.
 - The site has an open but expired OOC for moving a “shed” and planting a swath of native vegetation.
 - The site is not in compliance with the OOC: the approved “shed” was constructed as a garage with a slab on a foundation and most of the required mitigation plantings did not survive herbivory
 - **Project Proposal**
 - Three large Norway maples (a 19” and a double 14”) are in poor health and pose a risk to the owner’s garage and an abutters new home. One piece of the double has already fallen and the other has a large crack. The two trees to be removed are Norway maples and are imminent hazards but have been providing canopy and shade. Restoration plantings should be required.
 - Applicant brought a sketch planting plan with native shrubs. The plan was approved by the Commission.
 - **Discussion**
 - Do the trees actually constitute an immediate threat/emergency.
 - The Commission debated whether the plantings (required under the open but expired OOC) should be tied to this E-Cert.
 - The garage is not what was permitted but will likely be approved by the Con Com since the footprint of the now existing garage is less than the footprint of the shed that was approved.

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- The owner must apply to close out the open Order of Condition for the shed/garage.
- The owner must apply for a permit if s/he wishes to add a roof extension and/or carport to the garage.
- Vote to issue the E-Cert allowing cutting of the two Norway maples and requiring the plantings shown on the plan dated 12/14/18 by June 15, 2019 or enforcement under the open OOC will be undertaken. (Motion: Norm Richardson, Second: Susan Lunin, vote: 3:0:1).

NOTE: Jennifer Steel will put a tickler in her calendar to ensure that plantings have been installed by June 15, 2019 or she will initiate enforcement actions,..

CONSERVATION AREA DECISIONS

6. **“No Smoking or Vaping” signs for Conservation Areas land use regulations**– Should the Commission Office revise its land use regulations and design and install no smoking/no vaping signs? After a brief discussion, noting that signs would likely not deter determined smokers, the Commission decided to not pursue signs at this time.

III. ADMINISTRATIVE DECISIONS

7. **Mitigation Area Special Condition** – To help ensure consistency and effectiveness of mitigation planting area requirements, should the ConCom adopt standard condition language? The Commission discussed and edited the draft condition provided and agreed to try using the language in future Orders of Conditions.
 - Documents Presented: draft special condition draft special condition
8. **Open Space and Recreation Plan** – The current plan will expire in 2020. How and when should the revision process be initiated? The Commission noted that the Conservation Office took the lead in the past and that some members served on the advisory committee. Susan Lunin and Norm Richardson offered to assist with the next re-write. Jennifer Steel noted that she would ask Parks and Rec how they would like to proceed. Jennifer Steel also noted that there is some interest among neighboring communities to relax the state requirements for the plan.
9. **Alternate members for the Commission** – Should the Conservation Office actively solicit more alternate members? ConCom members were generally in favor or soliciting one more alternate member, so that in the event of membership turnover, there would be well-informed residents ready to become full members. It was noted that it is a lot to ask someone to be present at meetings, but non-voting.
10. **Minutes of 11/20/18 to be approved.**
 - Documents Presented: draft minutes draft minutes
 - Staff Recommendations: Vote to approve the 11/20/18 minutes as corrected (Motion: Susan Lunin, Second: Norm Richardson, vote: 4:0:0).

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- Hampton Place (Florence Street): East Middlesex Mosquito Control will provide an estimate for dredging and vegetation removal. The City will survey the site and determine appropriate improvements. Jennifer Steel will ask Utilities to proactively address (through written outreach) the sources of sand from the private properties and Mass DOT properties that contribute runoff (and sediment) to the system.
- 22 Hollywood: Potential buyer is interested in developing a plan to address violations and close out the open OOC. We await a proposal.
- Beavers in Kessler Woods: Flooding is present but does not seem to be presenting a threat to structures/improvements.

VI. CONSERVATION AREA UPDATES

- Norumbega slope restoration. Both SumCo & Land Stewardship, Inc. have held site visits and will submit proposals for restoration work.
- Norumbega Off-Leash Area: Parking on Comm. Ave could conflict with a reconfigured carriage lane (closed to cars).
- Kessler Woods Upland Trail: We await a meeting with Chestnut Hill Realty to determine trail access and possible trail construction from Vine Street.

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- Land Management Funding/Coordination: Jennifer Steel is working with Bob DeRubeis to revamp the City's land management model.

VII. ISSUES AROUND TOWN UPDATES

- Climate Action planning: CCVA presentation to ZAP Committee was on 12/5/18. CAP presentation to Public Facilities Committee was on 12/ 12/18. CAP deadline has been extended to April to allow better coordination of data and analysis.
- Webster Woods: Jennifer Steel is working with the lawyer, appraiser, and engineer.
- MAPC Mini Grants: A grant application to create a climate resource center with CRWA was submitted to MAPC.
- Zoning Rewrite: Jennifer Steel is working to ensure that sustainability is woven throughout the new ordinance.
- Stormwater Ordinance: Is being drafted (under the NPDES MS4 permit requirements, and will likely be part of the Zoning Ordinance
- ACROSS trails intern: begins January 7.

VIII. ADMINISTRATIVE MATTER UPDATES – none at this time

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

11. Certificate of Compliance – 885 Centre St. – BC Law School – DEP file #239-248

- Request: Staff file cleaning discovered the unrecorded, work-never-initiated, never closed OOC. Issue a Certificate of Compliance to complete the file.
- Owners: Trustees of Boston College
- Documents Presented: draft COC
- Vote: to issue a complete Certificate of Compliance for project #239-248 (Motion: Norm Richardson, Second: Susan Lunin, vote: 4:0:0).

12. Discussion about new developments proposed for Newton

- The comment was made that Northland has a village green and green park, other developments should be required to have similar green spaces and do stormwater infiltration.
- It was suggested that MassPort might be willing to pay for the garage at Riverside if they were allowed to build a Logan Express shuttle center there. Ira Wallach will inquire of MassPort.

ADJOURN 9:29 (Motion: Norm Richardson, Second: Susan Lunin, vote: 4:0:0)

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