

CONSERVATION COMMISSION MINUTES

Date: July 16, 2020

Time: 7:00pm

Place: This meeting was held as a virtual meeting via Zoom

<https://us02web.zoom.us/j/82576773625>

With a quorum present, the meeting opened at 7:04 with Dan Green presiding as Chair.

Members Present: Susan Lunin, Leigh Gilligan, Kathy Cade, Jeff Zabel, Ellen Katz, Judy Hepburn

Members Absent: none

Staff Present: Jennifer Steel and Claire Rundelli

Members of the Public: not recorded due to remote nature of the meeting

DECISIONS

I. WETLANDS DECISIONS

1. 24 Village Rd – NOI (cont'd) – construction of detached garage and driveway – DEP File #239-866

- Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Riverfront Area
- Project Summary
 - Construction of a 24'x26' detached, 2-car garage. Existing garage will be converted to storage. Total new impervious proposed is 1196 s.f.
 - Pouring of a new asphalt driveway that begins at 12' in width at the curb cut and expands gradually to be 22' wide where it meets the proposed garage.
 - Installation of underground infiltration chambers and trench drain to collect runoff from driveway and new roof.
 - Installation of 3 mitigation planting areas totaling 1218 s.f. No bounds are proposed.
 - The project will result in a roughly 1200 s.f. increase in impervious area on the site, all within the outer riparian zone.
- Presentation (Tony Stella and Hisham Salem) and Discussion
 - At staff request, applicant has reduced the size of the driveway.
 - The erosion control detail has been amended to staked silt fence and a compost sock.
 - Engineering comments have been received. The project meets the City's drainage requirements. Groundwater is at 5' and so the 2' separation requirement is being met.
 - The mature vegetation to be removed is 1 large Norway maple and 1 small peach tree. The peach tree is due to be relocated, but concerns were raised that it was not likely to survive and that planting a new sapling would be better.
 - Based on a site visit and review of Google Street View images, two mature shrubs have already been removed in relation to the digging of test pits for the infiltration system.
 - Three small mitigation beds are proposed (for a total of 1218 s.f.). Native plants have been proposed but no numbers of species or locations within individual beds has been provided. The Commission noted that small dispersed/disjointed beds were not ideal and that species numbers and sizes would be required. The Commission noted that the proposed bed beside the driveway would be subject to snow storage.
 - The Commission noted that removal of the old driveway would reduce the need for mitigation and would increase the opportunity for mitigation planting areas, particularly since the Commission sought trees to provide habitat value.
 - The Commission questioned the legality of:
 - Two curb cuts exceeding 22 feet
 - Construction in the designated "25-foot setback"
 - Neighbor Lauren Paton was concerned about the snow plow blocking the proposed drive and about the proposed drive using up street-side parking.
 - The Commission requested revised plans showing
 - 1-2 trees and



Mayor

Ruthanne Fuller

Director

**Planning &
Development**
Barney Heath

Chief

**Environmental
Planner**
Jennifer Steel

Assistant

**Environmental
Planner**
Claire Rundelli

**Conservation
Commission
Members**

Kathy Cade
Dan Green
Judy Hepburn
Ellen Katz
Susan Lunin
Jeff Zabel
Leigh Gilligan

1000 Comm. Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

- Details of other mitigation plantings
- Possible removal of some asphalt
- Clarification of curb cut allowances
- Clarification of the 25-foot setback prohibitions
- Vote: To accept applicant's request to continue the hearing to 8/6/20. [Motion: Susan Lunin; Second: Leigh Gilligan; Roll-Call Vote: Katz (aye), Gilligan (aye); Hepburn (aye); Green (aye), Cade (aye), Zabel (aye), Lunin (aye), Vote: 7:0:0].

2. Dunstan St/Washington St/Kempton PI – NOI (cont'd) – Dunstan East Mixed-Use 40B Development – DEP File #239-867

- Owner/Applicant: Robert Korff, Mark Development, LLC Representative: Rich Hollworth, PE, VHB, Inc.; Rob Adams, landscape architect, Halvorson/Tighe and Bond; Damien Chaviano, Mark Dev.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, Land Under Waterways, City Floodplain, Bank
- Project Summary
 - Demolish existing large commercial buildings and remove existing pavement.
 - Remove the majority of the southern stream wall, regrade the bank, and plant the slope to create a more natural stream channel. Culvert headwalls will also be reconstructed
 - Construct 3 mixed use buildings (with parking under buildings) totaling roughly 426,000 s.f. and one central roadway, resulting in a proposed reduction of 13,691 s.f. of impervious area.
 - Stormwater management changes include a new sand filter and changes to the existing outfall.
 - Create flood storage area/green space/public space resulting in a 1321 cu yd increase in flood storage capacity.
 - Construct a boardwalk along the newly naturalized Cheesecake Brook.
- Presentation (Rich Hollworth) and Discussion
 - Project has received ZBA approval under Ch 40B.
 - Project will result in a number of improvements to current conditions
 - The (dilapidated) southern wall of Cheesecake Brook will be removed and a sloped, vegetated embankment will be created. The stream will be made sinuous and wider. The low-flow stream channel will be lined to limit the possibility of scour.
 - The current MassDOT culvert connection to Cheesecake Brook will be stabilized and converted (with a plunge pool) to an angled, sinuous, vegetated channel.
 - 10,000 gallons of extra flood storage capacity and 8500 sf of public green space will be created.
 - Impervious area will be reduced.
 - Parking will be placed under buildings, so runoff will be minimized and will be directed to City sewer.
 - Phosphorus loads to Cheesecake Brook will be reduced by 65%
 - Stormwater infiltration will be increased and stormwater quality will be improved prior to discharge to Cheesecake Brook.
 - Under the boardwalk ("terra firma") will be stone to ensure perviousness
 - Possible ecologically detrimental aspects of the project
 - Increased shading of the stream corridor
 - Increased artificial lighting of the stream corridor
 - Applicants have provided revised plans, addressing the following
 - Clarification of bank stabilization details for the Cheesecake Brook naturalization of the southern bank
 - Addition of geotextile filter fabric and additional design refinements of the sand filtration systems
 - Addition of appropriately robust perimeter erosion controls
 - Grading near the Dunstan Street and MassDOT headwalls
 - A note has been added to indicate a permeable base material below the boardwalk
 - Revisions to sand filter sizing
 - Added trees to Brook Drive
 - Added some granite blocks in flood storage area to assist with erosion and flow
 - Provided a detail/section of street treeway showing soil volume

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.

- Provided section at boardwalk to provide clarity on drainage
- Provided minimal size of trees and container shrubs.
- Updated the seed mix for the area in flood storage above elevation 34.5
- Clarified hatches in flood storage area to relate to planting notes on plan
- Provided a detail/section through wood stairs
- Provided clarification/correction of lines and references on plan sheets as requested
- Provided a plan sheet showing areas of cut and areas of fill and a memo clarifying depth to groundwater and the depth of the garages, noting that groundwater will not be pumped - the garage will be waterproofed
- Numerous details will be addressed in submissions by the contractor (once selected), including:
 - Realigning the MassDOT stormwater culvert
 - Protecting stream during sidewalk repairs (to stop debris or concrete washwater from entering stream)
 - A revised O&M plan
 - How will you keep the flood area from being a dog park and trampled?
 - Restoration area should be bounded, per 310 CMR 10.58(5)(h).
 - Detailed construction sequence
 - Temporary measures: stormwater on-flow management, detention basins, stockpiling, vehicular access, etc.
 - Dewatering sites and systems
 - Erosion controls for wall/bank/stream work
 - Process and mechanisms for bypass pumping/dewatering/ESC for stream realignment
 - Concrete washout details
 - Lighting plans
- Additional requests from the Commission:
 - All trees and shrubs within the naturalized areas within ConCom jurisdiction should be native.
 - Be sure to use the hybrid elms that resist Dutch elm disease.
 - Some evergreens (Atlantic white cedar?) should be added to the planting palette for diversity.
 - Do not use *Viburnum dentatum*; rather try *Itea virginica*.
 - Ensure that stream area is not overly lighted.
 - Surety was discussed at length. 135% of the cost of stream restoration was determined to be appropriate.
- Vote: To close the hearing and issue an OOC with the following special conditions [Motion: Zabel; Second: Katz; Roll-Call Vote: Katz (aye), Gilligan (aye); Hepburn (aye); Green (aye), Cade (aye), Zabel (aye), Lunin (aye), Vote: 7:0:0].
 1. The final construction plans and construction logistics for the stream naturalization including any plan changes required by MassDOT due to alterations of the design for the stormwater outfall will require final administrative review and approval by the Commission or its agent. "Methods and Means" submissions shall include: but not be limited to:
 - a. Erosion controls – perimeter controls as well as intermediate controls throughout the duration of construction activities to reduce potential sediment transported by site runoff
 - b. A construction phasing plan that addresses demolition, stockpiling, laydown, vehicular access, stormwater management, snow management, etc. must be presented to the Conservation Commission for review and approval.
 - c. Temporary measures such as: stormwater on-flow management, detention basins, stockpiling, vehicular access, etc.
 - d. Dewatering sites and systems. A dewatering plan designed to limit and control any adverse impact on wetland resource area
 - e. A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s)
 - f. Bypass pumping/dewatering/ESC for stream realignment designed to ensure health of the upstream and downstream reaches of Cheesecake Brook during instream work
 - g. Channel design
 - h. A revised O&M plan
 - i. Details regarding realignment of the MassDOT stormwater culvert
 - j. The applicant shall post financial security such as a surety bond, letter of credit, or a check or money order to the City of Newton, in the amount of 135% of the contracted cost of stream restoration, flood storage creation, and wetland jurisdiction landscaping, contracted cost to be agreed upon by the Conservation Commission which shall hold it as surety for satisfactory completion as set forth under this

Order. If the Commission finds that the applicant has failed to satisfactorily complete the above work as required by the Order of Conditions, the Conservation Commission shall have the option, but not the obligation to: (i) use the funds to complete the work; and/or (ii) hire its own landscaper, wetland scientist, and other consultants or contractors as deemed necessary by the Commission in order to comply with the conditions set forth under this Order. Applicant hereby agrees to allow access to the property by such consultants or contractors in such event. Release and/or partial release shall be granted as long as 135% of the cost of outstanding work is covered by the balance.

2. An Environmental Monitor, paid for by the Applicant, shall be hired by and report to the Commission, to assist the Commission in its oversight of the activities approved by this Order. The name, e-mail address & cell phone number of the Environmental Monitor will be provided to the Applicant upon such designation. The Environmental Monitor will:
 - a. Review the dewatering plan, including the bypass pumping plan
 - b. Review the Applicant's NPDES NOI and Storm Water Pollution Prevention Plan to the extent it relates to the activities approved by this Order and make recommendation for proposed changes, if necessary, to protect the interests of the WPA and the Ordinance and associated regulations issued thereunder;
 - c. Advise on current erosion control practices and make recommendations for proposed changes, if necessary, to protect the interests of the WPA and the Ordinance;
 - d. Ensure adherence to the Order of Conditions and report any non-compliance to the Commission;
 - e. Be present on site for the following:
 1. Preconstruction meeting
 2. Periodic visits during staging of materials and dewatering of the brook
 3. Removal of the southern retaining wall of Cheesecake Brook and associated fine grading, and "lining" of the stream channel and flood compensation and streambank naturalization areas
 4. A minimum of twice-weekly visits during construction (in particular, grading activities) of the restoration areas
 5. Periodic visits during restoration planting activities
 6. Inspection of erosion controls within 24 hours after any rain event or events totaling more than 0.5 inches within a 24-hour period
 7. Periodic inspection of erosion controls as necessary
 - f. Oversee any emergency placement of controls and regular inspection or replacement of erosion and sedimentation control devices.
 - g. Have the authority and responsibility to stop work at any time and/or to implement additional impact mitigation measures on site whenever necessary to prevent or halt existing or imminent violations of this Order;
 - h. Provide memos during the time period(s) when work is being conducted for items e.1 through 7 above. Said memos shall summarize work completed, any problems that arise in the Commission's jurisdiction, corrective measure(s) made in the field, and any additional corrective measures needed. Memos shall be provided on a weekly to biweekly basis as necessary, or more frequently if conditions require. The Applicant will be supplied with all reports submitted by this outside consultant. The Applicant will be expected to make said changes immediately as identified and requested by the Environmental Monitor.
3. Landscape plantings within Commission jurisdiction must be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance) and must:
 - a. Be bounded with stone or other permanent markers to ensure the areas remain in a predominantly natural vegetated state and are not converted to other uses
 - b. Stabilize all exposed areas
 - c. Be installed between April 15 and June 15 or between September 1 and October 31
 - d. Have a survival rate of 75 % of total number of trees (after 2 growing seasons)
 - e. Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons)
 - f. Have a survival rate of 75 % aerial coverage of all other plants (after 2 growing seasons)
 - g. Mulch applications shall diminish over time & eventually cease as ground cover species & shrubs spread.

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4. Compensatory flood storage must be provided in its entirety as per the approved plans.
5. The stormwater sand filtration system must be installed as per the approved plans.
6. The City Engineer must inspect the sand filtration system when the system is still open and bottom conditions are visible. The applicant must submit proof of inspection to the Conservation Office.
7. Signage noting snow storage restrictions as in Condition 44 must be installed along Brook Drive.
8. In-stream work must be performed in accordance with the dewatering and bypass pumping plans required in Special Condition 25, and must conform to the following general performance standards:
 - a. To the extent practicable, work must be conducted during low flow conditions.
 - b. All work must be conducted within adequately dewatered and protected areas; no work or equipment is allowed within flowing water.
 - c. Cofferdams or other stream constricting measures must be installed so as to minimize the restricted portion of the stream channel.
 - d. The weather must be monitored, and no soil disturbing work is allowed within 2 hours of the predicted start of any rain event.
 - e. Before any rain begins, the work site must be secured and stabilized with temporary protective measures adequate to prevent erosion or scour of any unconsolidated material.
 - f. Discharge from any dewatering measures must be through a sedimentation bag and/or other protective measures and must not be discharged directly to the stream.
 - g. Any soils stockpiles must be located outside the stream channel and must be adequately protected with temporary sediment controls.
 - h. Any necessary equipment storage, refueling, or maintenance must take place outside the stream channel.
9. The flood storage/landscape planting areas shall be maintained in perpetuity in their predominantly natural condition.
10. The banks of Cheesecake Brook and the newly created flood storage area must be maintained in a vegetated state as shown on the Project Plans. Any future erosion control or scour control measures will require the filing of a new Notice of Intent.
11. The Operations and Maintenance Plan, as approved through Condition #22, shall be recorded and must be adhered to.
12. To maintain the flood storage capacity of the site, the flood plain compensation area shall be constructed in accordance with the plan. Interim measures may be provided to allow phased construction subject to the final administrative review and approval by the City Engineer, Commission or its agent.
13. The owner shall implement the Snow Management Plan and ensure that snow is not plowed onto the stream bank or stored on the stream side of Brook Drive. This plan must be incorporated in snow plow contracts and enforced by the owner. The owner shall maintain snow signage.
14. The Riverfront restoration/mitigation areas, bounded by the boardwalk, Brook Drive, and Building 3, as shown on a plan to be recorded with this Order, shall be maintained in perpetuity in their predominantly natural conditions.

3. 55 Bernard Street – NOI – ex post facto – vegetation removal and stockpiling in flood zone – DEP File #239-XXX

- Owner/Applicant: Jim Corsi, Corsi Realty LLC Representative: John Rockwood, EcoTec, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Project Summary
 - The owner of this parcel did a tear-down/re-build of a SFH. The requested work was administratively approved as being entirely outside ConCom jurisdiction. Without permission, however, the owner exceeded the limit of work line and cut 12 “dead” trees (204”) and scrub growth within ConCom jurisdiction. One additional large healthy oak was also removed from the property. An Enforcement Order was issued requiring the filing of a NOI and restoration plantings.
- Presentation (John Rockwood) and Discussion:
 - Photos from 2006 indicate that the site used to be fully lawned to the rivers’ edge.
 - The applicant indicates that 12 “dead” trees were cut without a ConCom permit. During Jennifer’s 2019 preliminary site visit, she noted only one hazard tree and provided administrative approval for its removal.
 - The applicant stated that 160 cubic yards of material were removed from the site, so that even though loam and wood chips have been brought on to the site, there will be a net gain in flood storage capacity.

- The proposed restoration and landscaping plan indicates a reduction in turf grass through the installation of wood chipped planting beds, but only 2 trees and numerous shrubs and plants.
- The applicant has begun to plant 10 spruce trees along the southern property line and 8 rhododendrons on the north and south property lines.
- The Commission felt that since canopy trees were cut, canopy trees needed to be planted and that allowing the stream bank to remain without trees or shrubs seemed inappropriate.
- The Chair noted that the applicant should submit a planting plan of a quality and nature that would have been approved had the applicant applied for the tree cutting in advance.
- Neighbor Miriam Jost sought (and received) reassurance that the proposed cobblestones at the edge of the lawn would not increase flooding on adjacent properties.
- Vote: To accept applicant's request to continue the hearing to 8/6/20 to revise the planting plan to incorporate more trees throughout and more shrubs along the river bank. [Motion: Susan Lunin; Second: Judy Hepburn; Roll-Call Vote: Katz (aye), Gilligan (aye); Hepburn (aye); Green (aye), Cade (aye), Zabel (aye), Lunin (aye), Vote: 7:0:0].

4. 62 Carlton Road – OOC Amendment Request – lawn extension with associated grading, retaining walls, and plantings – DEP File #239-836

- Owner/Applicant: Hillcrest Development Representative: John Rockwood, EcoTec, Inc.
- Request: Issue amended OOC.
- Documents Presented: Colored plans, site photos, draft OOC amendment
- Jurisdiction: Buffer Zone, City Floodplain (proposed work outside floodplain)
- Summary of Requested Changes
 - No changes are proposed to the house location and size, driveway location and size, wildlife corridors along the side yards, or stormwater systems.
 - The requested changes are to:
 - Lower the basement floor elevation from 142.4' to 141.6' (~1.5 feet), and patio elev. from 142' to 140'.
 - Extend lawn and construct two retaining walls to accommodate the grade change and fill needed for lawn. Lower retaining wall will be 47' from the edge of BVW.
 - The upper retaining wall is a maximum of 2' tall at its highest point and tapers down to 1' at each end. The upper retaining wall is proposed to have a 4' tall safety fence installed along it. The lower retaining wall is a maximum of 8' tall at its highest point and tapers down to 2' at each end.
 - Revise grading, retaining walls (outside 100' BZ), and landscape stairs associated with lawn expansion.
 - Expanded invasive species removal on the lot.
 - Increase number of mitigation plantings by 8 saplings and 13 shrubs, bringing the project totals to 12 saplings and 80 shrubs. The saplings will be comprised of 8 canopy saplings and 4 understory saplings (Previously approved: 67 shrubs and 4 saplings).
 - The area between the two retaining walls and the disturbed areas down gradient of the lower retaining wall proposed to be seeded with NE Wetland Plants Conservation/Wildlife Mix & Showy Wildflower Mix.
 - The basement floor has already been constructed at the "newly proposed" elevations.
 - A deck has been added at the first-floor level that was not shown on the approved plan, but it is exempt because it is over 50 feet from the wetland boundary.
- Presentation (John Rockwood) and Discussion
 - The applicant has revised the plans to take into account Commission comments from the previous meeting including pulling the walls back, reducing lawn area, and diversifying plantings. Hardscape is not fully out of the 50' buffer zone, but the closest retaining wall location is now 47' feet from the edge of the resource area.
 - The proposed steepness of the lawn has been reduced to ~20%.
 - There are now 8 new canopy trees, 4 understory trees, and 80 shrubs of larger native species proposed.
 - Invasive control (primarily garlic mustard, myrtle, bittersweet, and buckthorn) is proposed to be 3 years.
 - The wildflower mix to be planted between and down-gradient of the walls will not be mowed.
 - In response to a Commissioner's question about the long-term integrity of the retaining walls, the applicant's representative noted that the walls have been designed by an engineer.
- Neighbors commented

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- Jack Fabiano asked about the heights of the two retaining walls – Answer: 2’ and 8’
 - Charles Klee asked how the kettle pond would be protected during construction of the retaining walls – Answer: with robust sediment control line
 - Andrew O’Connor asked why the Commission accepted the request for an amended OOC rather than demanding a new NOI – Answer: because the scope was substantially the same and a new NOI wouldn’t provide any new or different information.
 - Jay Roxe asked why the Commission didn’t maintain the requirements/prohibitions reflected in the original approved plan. – Answer: because the Commission has to respond to the request at hand and it shouldn’t demand so much that it begs an appeal by the applicant; since this is a “buffer zone only” project, the Commission’s absolute authority is quite limited and the kettle pond and the City stand to lose if the Commission over-steps its authority.
 - Errol Yudelman asked how neighbors should help keep an eye on the project as it moves forward. – Answer: there is no obligation for neighbors to do anything, but if they see what appears to be a problem, they should contact the Conservation Office.
- Vote: To close the hearing and issue an OOC with the following amended (in bold) special conditions [Motion: Zabel; Second: Lunin; Roll-Call Vote: Katz (abstain), Gilligan (aye); Hepburn (abstain); Green (aye), Cade (aye), Zabel (aye), Lunin (aye), Vote: 5:0:2].
1. **The new erosion control must be properly embedded Super Silt Fence or equivalent with wire mesh held vertical with metal posts, and staked 12” compost sock.**
 2. **At no time shall heavy equipment, disturbed slope materials, or storage of construction materials pass the easternmost erosion control line shown on the AMENDED approved plans.**
 3. **All plantings within the Buffer Zone must be installed by hand.**
 4. **Geogrid matting (or another similar anti erosion method) must be installed under entire disturbed area of the “wildlife corridors” on either side of the proposed house to reduce potential erosion caused by the grading.**
 5. **The mitigation and/or restoration planting plan must be installed per the approved plans (desired changes must be approved by the Conservation office in advance) and:**
 - a. Be designed and maintained to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check.
 - b. **Include 8 native canopy trees, 4 native understory trees, and 80 native shrubs in the sizes indicated on the approved plan**
 - c. **Include the native seed mix around the retaining walls, as shown on the approved plan**
 - d. **Have a 100% survival of the trees and 85% survival of the shrubs three years after installation. If providing 3 years of survival will require the applicant to seek an extension of the Order of Conditions, an extension shall be sought and a Certificate of Compliance shall not be issued until 3 years of survival have been satisfactorily achieved.**
 - e. Stabilize all exposed areas
 - f. Be installed in compliance with the approved plans
 6. **Annual progress reports must be submitted to the Conservation Commission before December 15 of each year for the three-year obligation for invasive species removal and planting survival. Annual reports shall detail all efforts to control the invasive species on the site as described in the Notice of Intent, on the approved plan, and in the referenced July 6, 2020 memo, as well as the survival of all mitigation plantings. If providing the obligate 3 years of invasive species control and plant survival will require the applicant to seek an extension of the Order of Conditions, an extension shall be sought and a Certificate of Compliance shall not be issued until 3 years of control and survival have been satisfactorily completed.**
 7. **Lawn shall not be installed or maintained down-gradient/closer to the kettle pond than the upper retaining wall and shall not be installed or maintained down-gradient/closer to the kettle pond than the boulder “wing walls” associated with the retaining walls.**
5. **Newton Highlands Playground – COC – playground/park renovation – DEP File #239-738**
- Owner/Applicant: City of Newton (Parks, Recreation, and Culture) Representative: none
 - Request: Issue COC.
 - Jurisdiction: Buffer Zone, Riverfront Area
 - Staff Notes: Staff site visit on 7/11/20 confirmed compliance.

- Vote: To issue a complete Certificate of Compliance [Motion: Lunin; Second: Cade; Roll-Call Vote: Katz (aye), Gilligan (aye); Hepburn (aye); Green (aye), Cade (aye), Zabel (aye), Lunin (aye), Vote: 7:0:0].

II. CONSERVATION AREA DECISIONS -- None at this point in time.

III. ADMINISTRATIVE DECISIONS

6. Newton Commonwealth Foundation Liaison

- Staff Notes: The Newton Commonwealth Golf Foundation oversees the course and has 3 members serve as trustees of the NCG Fund, from which the ConCom gets \$25,000 annually for maintenance of our properties. The Chair of the ConCom is supposed to be one of the 3 trustees, along with the Commissioner of Parks, Rec, and Culture, Nicole Banks. Nicole has asked for ConCom involvement to be reinitiated. [The Ordinance notes that the ConCom Chair is supposed to be one of three trustees of the Newton Commonwealth Fund, appointed by the Mayor, and trustees of the Newton Commonwealth Fund are supposed to be selected from the members of the Foundation.
- Consensus: Dan Green will attend the Zoom meetings. Jennifer Steel will send him all relevant information.

7. Tree Replacement Policy

- Staff Notes: The ConCom’s tree replacement policy sets guidelines for replacement based on size (mitigated by hazard and invasiveness). Often, large trees cannot be fully replaced, but there should be some standard. Ellen Katz suggested adapting guidance for legacy trees: any live native tree ≥21 inches DBH and (or?) ≥150 years old.
- Consensus: Discuss the value of and implications of adopting such a definition and how to ensure our guidance is consistently implemented at the next meeting when hopefully it won’t be so late.

8. Amenities in Buffer Zone

- Staff Notes: Ellen Katz brought up concerns about benches causing/attracting the accumulation of trash
- Staff Recommendation: Discuss benches, memorial benches, pet waste stations, picnic tables, etc. and develop guidance for staff at the next meeting when hopefully it won’t be so late.

9. Minutes of 6/25/20 to be approved

- Documents Presented: draft minutes
- Vote to accept the 6/25/20 minutes. [Motion: Lunin; Second: Gilligan; Roll-Call Vote: Katz (aye), Gilligan (aye); Hepburn (abstain); Green (aye), Cade (aye), Zabel (aye), Lunin (aye), Vote: 6:0:1].

IV. ISSUES AROUND TOWN DECISIONS – None at this point in time.

UPDATES

V. WETLANDS UPDATES

- Unrestricted hydraulic flow: Staff have reached out to colleagues and agencies for guidance. We still await input from DEP, FEMA, and BET and will provide a full update when more information is available.

VI. CONSERVATION AREA UPDATES

- COVID-19 heavy use: Trail repairs will be needed after use returns to more normal levels.
- Pending projects:
 - Old Deer Park -- Maintenance contractors did their first mowing of the season two weeks ago; wood chips will be needed to keep down poison ivy etc. on the trail.
 - CRP stairs – AAB variance application will be submitted shortly
 - Kessler boardwalk and bridge – a bid was released 6/18 but no bids were received. Staff are reviewing options.
 - Webster stairs – we received a draft permit from DCR; it is under review by the Law Department.
 - Dolan crusher-run – we are waiting on materials estimate
 - Houghton Garden hydroraking and trail work – DEP approval was received so work will begin soon.

VII. ISSUES AROUND TOWN UPDATES

- OSRP: We received our conditional approval from the state; staff are working to address state-requested edits.

VIII. ADMINISTRATIVE MATTER UPDATES

- EnviSci Summer Program: is happening virtually.
- Interns: Our 2 high school interns through the Mayor’s internship program started this week. A college intern is being considered for this fall to assist with land stewardship and office obligations.

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

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ADJOURN: Vote to adjourn at 10:45. [Motion: Lunin; Second: Zabel; Roll-Call Vote: Katz (aye), Gilligan (aye); Hepburn (aye); Green (aye), Cade (aye), Zabel (aye), Lunin (aye), Vote: 7:0:0].