

CONSERVATION COMMISSION AGENDA

Date: August 27, 2020

Time: 7:02pm – 10:02pm

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 7:02 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. Presentation – Connector Stairs at Norumbega – Eagle Scout Project

- Owners: City of Newton Applicant: Alex Morefield
- Request: Eagle Scout candidate Alex Morefield seeks permission and wetland permitting approval for installing wooden steps to connect the riverside trail new slope trail adjacent to the restoration area in the Norumbega Conservation Area.
- Documents Presented: PowerPoint presentation by Alex Morefield
- Jurisdiction: Buffer Zone, RFA
- Presentation (Alex Morefield) and Discussion:
 - Alex gave a PowerPoint presentation with photos of the site and illustrations of what he intends to do.
 - Alex is proposing to install a set of 4-foot wide, timber-front steps, dressed with landscape fabric, and back-filled with crusher-run to connect the lower river-side trail with the new trail constructed by SumCo. He anticipates installing 14 steps up from the riverside trail to a new, short, contouring, connector path to the existing gravel path constructed by SumCo.
 - Alex will install a test step and let Conservation staff know when it is complete for their review.
 - Staff have met with Alex on site to discuss the project and feel that a step connection is needed to increase access to the riverside trail and to focus foot traffic in the area of the slope restoration.
 - The proposed steps will not impair wildlife habitat and will focus foot traffic, thereby limiting erosion. The construction will be covered by the Commission's generic trail OOC.
 - Alex anticipates 20-30 scouts will assist with the project. He anticipates a spring or summer start date, due to COVID and other Eagle Scout projects in the works.
- Vote: to approve this project on Con Com land and to have the wetland permitting requirements addressed under the existing generic trail OOC. [Motion: Cade; Second: Lunin; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]

2. 39 Norwood Avenue – NOI (cont'd) – demo of greenhouse and shed/construction of SFH addition – DEP File #239-873

- Owner/Applicant: John Shields Representative: self
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos
- Jurisdiction: Buffer Zone to bank of Crystal Lake
- Project Summary
 - Demolish existing greenhouse and shed. Remove existing panel wall and raised planter beds to allow for re-grading of yard area.
 - Construct stand-alone addition with associated hardscape where existing greenhouse and shed are.
 - Regrade lawn.
 - Install a rain garden, relocate some existing plants, and install new mitigation plantings.



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

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- Presentation (John Shields) and Discussion
 - Staff received stamped revised plans just hours before the hearing. Revisions include: revised erosion controls to accommodate and protect the Lake during the regrading process, a new plant list, additional plant installations, revised regrading, and a changed building and patio design to reduce new impervious to under 400 sf to preclude the need for infiltration structures. Mr. Shields verbally clarified changes to the plan, but staff await the requisite memo listing all changes.
 - Engineering has yet to review the revised plan sheet.
 - It was noted that the threshold of 400 sf of new impervious area was the Engineering Department's threshold for requiring on-site infiltration. The Con Com has no such hard and fast regulation but must balance new development with resource area protection.
 - Mr. Shields is considering installing a cistern and using the rain garden to collect overflow.
 - The Commission recommended that Mr. Shields finalize his plans on a clean plan sheet and submit it on or before 9/3/20 for staff review prior to the next hearing.
- Vote: to accept the applicant's request to continue the hearing to 9/17/20. [Motion: Lunin; Second: Katz; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]

3. 210 Upland Avenue – NOI (cont'd) – proposed retaining wall – DEP File #239-XXX

- Owner/Applicant: Matthew Border Representative: Karon Skinner Catrone (wetland consultant), Franklin Schwarzer (attorney), John Glossa (engineer)
- Request: Initial discussion regarding NOI and OOC.
- Documents Presented: applicant's PowerPoint presentation, colored plan, site photos
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary
 - Remove existing small retaining wall from the yard and 7 existing trees (~63 caliper inches).
 - Construct a new retaining wall set 1' back from the property boundary with a maximum height of 10'.
 - Infill area between existing wall (to be removed) and proposed wall to create a level lawn.
 - Install plantings within the newly created areas and wall screening plantings on the proposed retaining wall.
 - Install wildlife passage tunnel/pipe under in-filled lawn area.
- Presentation (by the team of representatives) and Discussion
 - DEP hasn't issued a file number yet. A new duplicate application has been submitted.
 - The wall would be 10' at tallest and roughly 185' from the river (the current wall is ~4 feet tall). A special permit will be required because the proposed wall is over 4'.
 - When installing the proposed wall, the line of small trees (~2", 4", and 6") will be removed. The applicants noted that the trees are small and not particularly vigorous.
 - The applicant team noted the benefit of flattening the ground from a 23% slope to a 3% slope will reduce erosion and increase infiltration and so comports with RFA performance standards.
 - The applicant team noted their intention to install landscaping and screening native trumpet vines on the retaining wall and to install and 1-foot diameter wildlife passage (pipe)
 - They noted that the property is exempt from the City's tree ordinance as it is owner occupied.
 - Commission comments:
 - The wildlife tunnel is not practical – it is too small, narrow, and dark.
 - The Commission would prefer to see a 4' walkable ramp for wildlife
 - The functions and values of the Riverfront Area would not be improved by a large retaining wall.
 - The proposal of 135-150 cy of fill seems excessive. The height of wall seems excessive.
 - The precedent of allowing large retaining walls and lots of fill in Riverfront area isn't appropriate.
 - Proposed plantings seem scant; the applicant should consider seeking permission to plant on neighbors' land if that would be seen as beneficial and acceptable.
 - Staff comments:
 - Neighbor's hemlocks roots are at risk of damage during excavation for wall footings. Burying roots may also damage the health of the hemlocks
 - Climbing plants will have a hard time surviving in the deep shade of the wall.
 - The wildlife tunnel won't work for wildlife,
 - This is a unique lot -- small amount of RFA that is very steep

- Attorney Christopher Shannon spoke on behalf of abutter Jacquelin Berlin, (200 Upland Ave.) who is concerned about a 10' wall, about runoff already coming from new driveway, and damage done to the roots of hemlocks by the builders. She would like native evergreens planted as a screen. She understands the owner's desires, but her landscaper (Mr. Gold) said that wall would be wide at the base and suggested a two-tiered wall to reduce the height and alleviate runoff damage. Mr. Shannon will speak with Mr. Schwartz.
- Jeff Wu and Jane Porter live downhill and, apparently, due to number of teardowns, they are getting more and more water in their backyard. The Chair noted that that is more of an engineering concern than a wetland protection concern.
- Vote: to accept the applicant's request to continue the hearing to 9/17/20. [Motion: Lunin; Second: Zabel; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]

4. 35 Spiers Road – NOI (cont'd) – teardown/rebuild single-family home with associated site features – DEP File #239-872

- Owner/Applicant: Andrey Agamov Representative: Karon Skinner Catrone
 - Request: Issue OOC.
 - Documents Presented: Colored plans, site photos, draft OOC
 - Jurisdiction: Buffer Zone
 - Project Summary
 - Demolish existing single-family home.
 - Construct new single-family home with associated patio within the outer 50' of the buffer zone. Install 2 infiltration systems to collect roof and driveway runoff.
 - Increase in impervious area within the buffer zone is 610 sf within buffer zone (from 1425 sf to 2035 sf).
 - Plant 3 sugar maple saplings, 3 common bearberry shrubs, 12 lowbush blueberries, and 5 sweet ferns as mitigation.
 - Replace existing fence.
 - Presentation (by the team of representatives) and Discussion
 - The applicant team responded to all staff comments and to comments from the previous hearing.
 - There will be no tree removal on the site
 - The applicant clarified that the pre-existing patio was considered to be pervious
 - The new plans have added 12 lowbush blueberries to the mitigation planting plan, added a seed mix, and expanded the planting area.
 - The new plans have a smaller driveway
 - The applicants moved the erosion control line to give more room
 - A note and detail regarding tree protection has been added to the plans.
 - The applicants were asked to please send the owner's email address.
 - Special conditions were reviewed.
 - Vote: to close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Zabel; Second: Lunin; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]
21. A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
 22. A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
 33. Landscape plantings within Commission jurisdiction must:
 - a. Stabilize all exposed areas
 - b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - c. Have a survival rate of 100 % of total number of trees (after 2 growing seasons)
 - d. Have a survival rate of 100 % of total number of shrubs (after 2 growing seasons)
 34. If any trees within the wetland or buffer within the project area 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).
 35. The stormwater infiltration system must be installed as per the approved plans.
 36. Any new fence installed on the site must be elevated 6" from the ground to allow for wildlife passage.
 40. The required mitigation planting areas shall be maintained in perpetuity in their predominantly natural condition.

41. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
42. To protect the water quality of the adjacent wetland resource area fertilizers shall be of low-nitrogen content and be used in moderation, and to protect the full suite of benefits of the wetland resource area and pollinators, in the rear yard area herbicides and pesticides shall not be used.
43. To protect wetland wildlife, exterior lighting shall:
 - a) be no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles.
 - b) be shielded to prevent any “up lighting” and “backlighting” (i.e., no emissions above 90 degrees or behind the fixture if that creates spill closer to the wetland resource area),
 - c) be focused to prevent any spill beyond hardscape or edge of maintained lawn or play areas,
 - d) have limited blue content to decrease skyglow and disruption of diurnal animals
 - e) be switched off when not in active use for safety
 - f) not exceed the illumination shown on the approved photometric plan sheet

5. 791 Walnut Street – NOI – ecological restoration – DEP File #239-874

- Owner: Newton Cemetery Corporation (NCC) Applicant: Mary Ann Buras, NCC
- Request: Issue OOC.
- Documents Presented: Plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, City Floodplain
- Project Summary
 - Ex post facto work: In 2018, the cemetery undertook significant landscape renovations around the 4 ponds:
 - tree removal (detailed on plan sheets under “removal year”)
 - removal of overgrown and invasive vegetation along the stream corridor and subsequent restoration with native plantings.
 - removal of 2 concrete sluiceways
 - installation of a small new path connection between the existing bridge and the existing pathway.
 - Total tree removal completed is 30 trees, equaling roughly 339 caliper inches removed.
 - Total tree plantings completed and proposed is 79 trees, equaling roughly 218 caliper inches planted.
 - Shrub removal did occur during the stream restoration and is further proposed under the current plan.
 - Total shrub plantings completed and proposed is 829.
 - The majority of the shrubs planted and proposed are native (633/829 total shrubs) and roughly half the caliper inches of trees planted and proposed are native (113”/218”).
- Presentation (by the team of representatives) and Discussion
 - Bartlett Tree assessed all 2000 trees. Tree removal was done to address monolithic age, safety, burial space protection and expansion, and wildlife value. Most trees removed were smaller and ornamental. Now they can plant larger native, shade trees.
 - Much of the shrub removal was done to remove invasive vines and weeds.
 - Details of tree work conducted at each pond:
 - Pond 1: 4 trees (and some shrubs) removed, 2 planted
 - Pond 2 and 3: 17 trees removed, 44 planted
 - Pond 4: 1 tree removed (and some shrubs), 18 planted
 - No more trees will be removed
 - Details of work conducted along the stream:
 - removed trees and invasives
 - removed grass on north and south of the stream and replaced it with native groundcover and shrubs. Erosion controls were put in, along with 1500, plants, 350 shrubs, and 480 groundcovers
 - Added granite stairs and replaced concrete sluice ways
 - From 2010-2020, 560 new trees were planted. Cemetery will continue planting. Decisions are made in the fall prior to the spring planting season.
 - On their website, the Cemetery maintains a full database of every tree.
- Vote: to close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Katz; Second: Lunin; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]
- 21. Landscape plantings within Commission jurisdiction must:
 - a. Stabilize all exposed areas.

- b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
- c. Have a survival rate of 75 % of total number of trees (after 2 growing seasons).
- d. Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons).

22. Any future plantings within Commission jurisdiction, beyond the proposed plantings for Fall of 2020, may be planted without further approval as long as a minimum of 50% of the species planted are native to the US.

6. 24 Village Road – NOI (cont'd) – construction of new detached garage and new driveway – DEP File #239-866

- Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
- Request: Continue hearing to 10/8/20.
- 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.
 - 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.
 - The project will result in a ~1200 s.f. increase in impervious area, all within the outer riparian zone.
 - Installation of underground infiltration chambers and trench drain will collect runoff from driveway and new roof.
 - Installation of 3 mitigation planting areas will total 1211 s.f.
- Staff Notes: Applicant's legal representation has finished a preliminary review that did bring up any information about the 25' setback, so they are continuing the search into the hard records at the registry. They are requesting a continuance to confirm existence of a 25' setback preventing construction of the garage in the current location.
- Vote: to accept the applicant's request to continue the hearing to 10/8/20. [Motion: Katz; Second: Lunin; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]

7. 56 North Street – COC – teardown/rebuild SFH – DEP File #239-760

- Owner/Applicant: Tramy and Sinclair Lao Representative: none
- Request: Issue COC.
- Jurisdiction: Riverfront Area
- Staff Notes: Staff site visit on 8/10/20 confirmed compliance.
- Vote: to issue a complete Certificate of Compliance. [Motion: Lunin; Second: Gilligan; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]

II. CONSERVATION AREA DECISIONS

8. Trail Proliferation in Webster Conservation Area

- Staff notes:
 - New steward Richard Primack has mapped newly created trails and identified many that have been formed during the uptick in use due to people be at home due to COVID-19.
 - Staff made a brief site visit to the Webster Woods portion of the overall Webster Conservation Area and noticed evidence of off-trail traffic by people and bikes. Staff are currently discussing a trail closure project along with the installation of some benches within the Webster Conservation Area with a potential Eagle Scout.

III. ADMINISTRATIVE DECISIONS

9. Tree Replacement Policy

- Documents Presented: Tree Replacement Guidelines - Updated draft
- Presentation (staff) and Discussion
 - Based on discussion at several previous Conservation Commission meetings, staff updated the tree replacement guidelines for the Commission to review.
 - Staff felt the revisions captured their interests
- Vote: to adopt updated guidelines. [Motion: Lunin; Second: Hepburn; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]

10. Amenities in Buffer Zone

- Documents Presented: E-mail from Ellen Katz noted that benches at dead-ends of trails can attract parties and trash.
- Discussion: The Commission understood and appreciated the concern and will keep it in mind when planning amenities on Conservation land.

11. Minutes of 8/6/20 to be approved

- Documents Presented: Draft Minutes
- Vote: to accept the 8/6/20 minutes. [Motion: Lunin; Second: Cade; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (abstain), Lunin (aye); Vote 6:0:1]
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IV. ISSUES AROUND TOWN DECISIONS – None at this point in time.

UPDATES

V. WETLANDS UPDATES

VI. CONSERVATION AREA UPDATES

12. COVID-19 heavy trail use: Trail closures and trail repairs will be needed after use returns to more normal levels.

13. Active and Pending Land Management Projects:

- Old Deer Park -- Maintenance contractors did another round of maintenance on 8/16/20.
- CRP stairs – AAB variance application has been submitted. We await a decision.
- Kessler boardwalk and bridge – A bid was released 6/18 but no bids were received. Staff have reached out and are anticipating an estimate from another firm with which we have worked before.
- Webster stairs – Have been completed by the Mark Neves crew!
- Dolan crusher-run – We have received a material estimate and are hoping for a more thorough estimate for the entire levelling project, as the materials cost was well under what was anticipated.
- Houghton Garden hydroraking and trail work – The ADA trail work and small stream cleaning effort has been completed and looks gorgeous! Hydroraking work will begin as soon as the water level is appropriate.

VII. ISSUES AROUND TOWN UPDATES

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

15. MassTrails Grant: Staff met with DCR two weeks ago to kick off the Christina Street bridge project.

VIII. ADMINISTRATIVE MATTER UPDATES

16. Summer High School Interns: Our 2 high school interns finished up their time with the Conservation Office on 8/14/20.

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

17. 148 Pine Street: Applicant was required by Engineering to raise the grade of the infiltration system 1 foot. Because of abutter concerns at the public hearings, staff were not comfortable granting administrative approval of the minor plan change request. Commissioners noted that because the change would not have any impact on wetland functions or values, there was no need for the change request to come back before the Commission in a public forum. They voted to allow staff to administratively approve the minor plan change request. [Motion: Gilligan; Second: Lunin; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]

18. Guidelines for Construction in Flood Zone:

- Commissioners had been sent a draft policy addressing construction of buildings and fences and coverings of foundations in flood zone. Most liked the draft.
- The discussion focused on balancing the interest in stopping children from going under structures (e.g., with shrub screens) and allowing the free flow of flood waters. Commissioners will provide comments by Thursday 9/3/20 for staff to collate and redistribute for the next meeting.

19. Benches in Conservation Land: Jennifer Steel noted that an Eagle Scout was interested in placing 3-5 benches in Webster Conservation Area. The Commission felt that benches in appropriate locations would be good, likely 3 locations. Benches should be long enough for two people with space between them and should have arms to assist users with standing. The benches installed at Charles River Pathway have worked very well.

ADJOURN at 10:02 [Motion: Gilligan; Second: Lunin; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 7:0:0]
