

CONSERVATION COMMISSION AGENDA

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, October 8, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the October 8, 2020 Conservation Commission meeting will be posted at the following web address 48 hours in advance of the meeting.

<http://www.newtonma.gov/gov/planning/conserv/default.asp>

Please feel free to email jsteel@newtonma.gov and crundelli@newtonma.gov with any questions about filings prior to the meeting or access to the meeting.

NOTE: Items may be taken out of order at the Chair's discretion.

NOTE: Discussions of wetland cases may be limited to 20 minutes for RDAs and 40 minutes for NOIs

DECISIONS

I. WETLANDS DECISIONS

1. **53 Wendell Rd – Minor Plan Change – DEP File #239-852**
 - Owner/Applicant: Ron and Karin Zalkind Representative: Cristina Campa, CCLA, Inc.
 - Request: Approve minor plan change.
2. **24 Village Road – NOI – construction of new detached garage and driveway – DEP File #239-866**
 - Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
 - Request: Issue OOC.
3. **33 Stanford Street – NOI – observation deck – DEP File #239-XXX**
 - Owner/Applicant: Zaid Ashai Representative: Eric Las, Beals and Thomas, Inc.
 - Request: Issue OOC.
4. **116 Upland Ave – resolve the question of unpermitted cladding – DEP File #239-824**
 - Owner: Ilya Zvenigorodskiy
 - Request: Determine compliance re enclosing area under the house with "lath".
5. **Bullough's Pond Skating Shed – Violation of Admin Approval – Unpermitted Retaining Wall**
 - Owner: Newton Parks, Recreation, and Culture (PRC) Private Partner: Bullough's Pond Association (BPA) (Laura Studen, President)
 - Issue: Unpermitted retaining wall constructed in buffer zone.
6. **191 Dedham Street – COC – (work never initiated) path at Countryside – DEP File #239-845**
 - Owner/Applicant: City of Newton Representative: Tiffany Leung, Community Development Planner
 - Request: Issue COC.
7. **93 Vine Street – COC – additions to SFH – DEP File #239-800**
 - Owner/Applicant: Igor and Alina Berdichevsky Representative: none
 - Request: Issue COC.
8. **14 Phillips Lane – COC – addition to SFH – DEP File #239-796**
 - Owner/Applicant: Louise Dube Representative: none
 - Request: Issue COC.
9. **427 Crafts Street – COC – addition to SFH – DEP File #239-508**
 - Owner/Applicant: Bill and Irina Spiegel Representative: none
 - Request: Issue COC.
10. **156 Otis Street – COC – teardown SFH and construct 2 new SFH – DEP File #239-801**
 - Owner/Applicant: Brian Hickey Representative: none
 - Request: Issue COC.
11. **Consideration of a new standard "finding" in the ConCom's OOC template**

II. CONSERVATION AREA DECISIONS

12. **Orienteering on Conservation Land**
13. **Benches and Plaques**

III. ADMINISTRATIVE DECISIONS



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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14. Guidelines for Construction in Flood Zone

15. Minutes of 9/17/20 to be approved

IV. ISSUES AROUND TOWN DECISIONS

UPDATES

V. WETLANDS UPDATES

VI. CONSERVATION AREA UPDATES

VII. ISSUES AROUND TOWN UPDATES

VIII. ADMINISTRATIVE MATTER UPDATES

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

ADJOURN

CONSERVATION COMMISSION AGENDA

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DECISIONS

I. WETLANDS DECISIONS

1. 53 Wendell Rd – Minor Plan Change – DEP File #239-852

- Owner/Applicant: Ron and Karin Zalkind Representative: Cristina Campa, Cristina Campa Landscape Architecture Inc.
- Request: Approve minor plan change.
- Documents Presented: Colored plans, site photos
- Jurisdiction: BLSF, City Flood Zone
- Performance Standards:
 - **Bordering Land Subject to Flooding:** 10.57
 - Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
 - Work shall not restrict flows so as to cause an increase in flood stage or velocity.
 - Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.
 - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
(b)(1&2) ... the conservation commission may issue an order of conditions for [grading] for which compensatory storage is provided ...
- Requested Plan Changes
 - Reduce the number of shrubs planted within jurisdiction from 55 shrubs to 38 shrubs.
 - Reduce overall groundcover planting area to 950 s.f., substituting with 925 s.f. of fescue mix.
 - Reduction in proposed lawn area by 17 s.f.
 - All trees remain in originally approved positions, except the western most (left most on plan sheet provided in packet) which has been moved back by 3'.
- Staff Notes:
 - The revised plan change request better addresses staff and Commission concerns and seems more appropriate as a minor plan change request.
 - Reduction in shrub number and reconfiguration of groundcover and fescue areas seem appropriate.
 - More information about the number (and therefore the density) of groundcover plugs is necessary to ensure that adequate coverage will be provided, and that compliance can be determined at the time of project completion.
 - Staff are concerned about the proposed reduction in shrub sizes from #5 pots to #2 pots, particularly as it relates to the establishment of a viable habitat area and to the maintenance of the area during establishment of the groundcover plugs (i.e., the battle against weeds).
- Staff Recommendations: Discuss ways to ensure short -and long-term success of the groundcover area (mulch? fabric?), then vote, if appropriate, to approve the modified **and annotated** plan sheet as a minor plan change to OOC #239-852.



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2. 24 Village Road – NOI – construction of new detached garage and new 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
- Performance Standards
 - **Riverfront Area: 10.58(4)**
 - (c) Practicable and Substantially Equivalent Economic Alternatives.
 - (d) No Significant Adverse Impact.
 - 1. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater ..., provided that:
 - a. At a minimum, a 100' wide area of undisturbed vegetation is provided... preserved or extended to the max. extent feasible....
 - b. Stormwater is managed ...
 - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
 - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.
- Project Summary
 - Construction of a 20'x24.5' attached, garage. Existing garage will be converted to storage.
 - Pouring of a new asphalt driveway that begins at the street at 12' wide and meets the garage at 20' wide. The existing driveway will be reduced to 10' wide down its entire length.
 - Installation of underground infiltration chambers and trench drain to collect runoff from driveway and new roof.
 - Installation of 3 mitigation planting areas planted with a total of roughly 25 shrubs, plus the relocation of some existing shrubs that will be at risk due to the new garage location. Total mitigation area is 1031 s.f.
 - The project will result in roughly 800 s.f. new impervious area on the site, all within the outer riparian zone.
- Staff Notes
 - Due to on-going access restrictions at the Registry, the applicant's attorney has been unable to determine details of the prohibitions placed on the 25' setback zone.
 - Applicant has filed revised plans with the following changes.
 - The new garage is now entirely out of the 25' setback.
 - The new garage has been reduced in 20x24.5'.
 - The new driveway has been reduced in width.
 - The two trees originally proposed to be removed are now proposed to remain, as they are now both outside the footprint of the proposed garage.
 - Mitigation planting areas have been modified a bit.
 - Tree protection is proposed for both trees, but the large Norway maple has only "trunk protection", not drip-line protection due to proximity to the proposed work. The Norway maple's root zone should be protected (through conditions) either with plywood over roots for duration of construction or a limit of work snow fence line 5' from the driveway area and tree.
- Staff Recommendations: Vote to close the hearing and issue and Order of Conditions with the following special conditions.
 - Tree protection must be installed per the approved plans and plywood must remain over the root area for the duration of the construction period OR orange snow fence installed between the driveway area .
 - 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).
 - The stormwater infiltration system must be installed as per the approved plans.

3. 33 Staniford Street – NOI – observation deck – DEP File #239-XXX

- Owner/Applicant: Zaid Ashai Representative: Eric Las, Beals and Thomas, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone

- Performance Standards:
 - **Buffer Zone. 10.53(1): General Provisions:** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- Project Summary
 - Note: The site was part of an enforcement action years ago that obligated the previous owner to stabilize the slope and plant natives at the base of the slope. The slope is stable, but with “junky” species, and the base of the slope that was planted with natives is being overtaken by Japanese knotweed. The current owners would like to improve and enjoy the site.
 - Construct a 40’ x 15’ (600 s.f.) observation deck off of existing lawn over the vegetated slope at the rear of the lot. Proposed deck to be supported by sonotubes. The deck, at its closest, will be 74’ from the BVW.
 - Remove remaining silt fence and other litter from previous owners.
 - Remove and retard existing Japanese knotweed stands through mechanical measures (black tarps).
 - Install native sapling, shrubs, and conservation seed mix within a 20’ wide Buffer Zone enhancement area at the rear edge of the property.
- Staff Notes:
 - The intention of improving the vegetation in this area is laudable.
 - Since the deck will project out over the scrub-vegetated slope (i.e., beyond the edge of lawn), it does not qualify for the “deck exemption.”
 - The applicant should clarify what, if any, woody vegetation removal is proposed. Based on the staff site visit, it appears that two small trees may need to be removed for the construction of the deck.
 - The applicant should clarify how the 10’ swath in front the deck and the area under the deck is due to treated, and how erosion will be precluded.
 - The applicant should clarify how Japanese knotweed will be addressed:
 - The current project details that no herbicide use is proposed. Staff would recommend consideration of a focused herbicide application (i.e., cut/drip or cut/inject).
 - Clarify on the plan where removal efforts will occur
 - Black plastic treatment will take ~3 years, so replanting in those areas will not occur for at least 3 years.
 - The applicant should clarify the following notes on Plan Sheet 4:
 - Note 5: Is the existing chain link fence proposed to be removed? Removal would benefit wildlife passage.
 - Note 6: Hand-pulling of knotweed is rarely effective. Additional removal efforts should be noted here.
 - Note 7: Staff believe that the phrase: “required timeline for plant survival” should read, “required timeline for plant death” if it is referring to the Japanese knotweed. If it is referring to new plants installed in the enhancement area, it is implying that the black tarps are to be installed around each new plant until the required growing seasons have been achieved, at which point the area will be seeded per the plans. The applicant should clarify their intentions.
 - Note 9: Currently it is noted that all planting changes shall be approved by wetland specialist, this should be edited to include approval by the Conservation Office.
- Staff Recommendations: Once details are sorted out and approved, vote to close the hearing and issue and Order of Conditions with the following special conditions.
 - The area (under and) in front of the observation deck must be appropriately stabilized and treated to prevent erosion.
 - The only vegetation removal approved by this Order is of Japanese knotweed and _____ (trees on the edge of the yard?).
 - Invasive removal efforts must be initiated before or concurrent with the start of construction in order to ensure they are completed during the lifespan of this permit. Any changes in the invasive species treatment proposed must be reviewed and approved by the Conservation Office prior to initiation.

4. 116 Upland Ave – resolve the question of unpermitted cladding – DEP File #239-824

- Owner: Ilya Zvenigorodskiy
- Request: Determine compliance re enclosing area under the house with “lath”.
- Documents Presented: Site photos

- Jurisdiction: Flood zone
 - Staff Notes:
 - The OOC stated: “To maintain the flood storage capacity of the site, the crawl space under the house may not be filled or enclosed or its grading altered.” Without prior permission, the owner installed “deck skirting” of “lath” boards (~1” x4”) with minimal gaps between them all around the pilings of the portion of the house that was constructed in flood zone.
 - Owner has noted his interest in keeping his children safe.
 - Permit 239-824 is due to expire in December 2021
 - The Commission has determined that:
 - The current lath violates the terms of the OOC by enclosing the crawl space – and so the Commission must initiate enforcement action.
 - The owner should have appealed the OOC if the condition was not acceptable OR
 - The owner should have sought approval of a plan change prior to installing skirting
 - The Commission should require of this owner whatever it would allow future applicants under a new guidance or policy for such circumstances that will ensure that water can pass freely from all directions in times of flooding (even when debris is present).
 - The question for the Commission is: what must the owner do to bring the site into compliance so that a Certificate of Compliance could be granted?
 - DEP notes that “unrestricted hydraulic connection” (akin to that required for BVW replacement in 10.55(4)) must be provided for all areas serving as flood storage.
 - Commission has noted that:
 - It would like to allow the owner (and others in similar situations) to provide safety
 - It is their preference to have no skirting
 - It is the applicant’s duty to prove that any proposed skirting will not restrict the hydraulic connection
 - It would like to develop a guidance for “skirting” around pile construction in flood zone. The following is proposed as a starting point for discussion.
 - Any skirting must have an even distribution of at least 50% open space
 - Skirting may not block the flow of water at any elevation within the flood zone
 - Skirting may not be of a nature that is likely to trap debris
 - Skirting that may be considered by the Commission for approval includes, but is not limited to:
 - Shrubs planted at grade
 - Wire cables spaced at least 1” apart
 - Wire mesh with large holes (e.g., at least 1” on each side)
 - Wooden lattice with large holes (e.g., at least 1” on each side)
 - Narrow vertical lath with large gaps (e.g, lath no more than 4” in width spaced at least 1” apart)
 - For consistency, the Commission should consider a policy for fences in flood zone. Such a policy may be as follows.
 - Solid panel fences may not be installed in flood zone, unless the applicant can prove that the flow of flood waters will not be restricted. Fences in flood zone must:
 - Have gaps of at least 1” every 4”
 - (and be elevated off the ground 4-6” to allow the passage of wildlife)
 - Staff Recommendations:
 - Issue a Notice of Violation for the current lath at 116 Upland Ave. Require either removal or a proposal for replacement on or before a certain date or face an official Enforcement Order.
 - Vote on guidance language, if/as/when appropriate.
- 5. Bullough’s Pond Skating Shed – Violation of Administrative Approval – Unpermitted Retaining Wall**
- Owner: Newton Parks, Recreation, and Culture (PRC) Private Partner: Bullough’s Pond Association (BPA)
 - Issue: Unpermitted retaining wall constructed in buffer zone on PRC land by a private organization.
 - Documents Presented: Site photos, administratively approved sketch plan
 - Jurisdiction: Buffer zone
 - Performance Standard: Buffer Zone. 10.53(1): General Provisions: “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act

identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”

- Staff Notes:
 - Background:
 - Staff issued administrative approval to the City (Public Buildings, DPW and PRC) to remove the skating shed/hut and power pole. There was no significant alteration to the surrounding area. The concrete slab and the wooden deck remained. Native shrub plantings enhanced the nearby slope.
 - Then, on 9/13/19 staff issued administrative approval for the removal of the failing deck based on sketch plans received from (and site visits with) Laura Studen. The approved plans were for a small “bead” of soil and native plants to be installed along the front edge of the slab to eliminate the falling hazard.
 - On 9/13/19, Laura Studen wrote to Jennifer Steel: “Thank you for your feedback and for Luis help on this project. Can I order the plants today? Is the City going to provide the soil or do I need to buy it (at considerable additional expense to the BPA) but I will do it if necessary to get the plants in the ground ASAP.
 - On 9/13/19, Jennifer Steel made a site visit to check on the straw wattles that defined the area to be planted.
 - Sometime between September 2019 and September 2020, without PRC knowledge or approval and without ConCom knowledge or approval, the BPA had a retaining wall installed in front of the concrete slab. The area in front of the retaining wall remains unvegetated.
 - PRC’s interests
 - PRC would support leaving the wall in place with after-the-fact permitting.
 - PRC staff do not want to have to take on after-the-fact permitting efforts. PRC would like BPA to work with the contractor they hired to develop and provide the ConCom with all appropriate application information including plans and details of the wall.
 - Wetland issues to address
 - Is the wall in buffer zone permittable? Through an NOI or RDA?
 - Can the ConCom require BPA to file an after-the-fact application on behalf of PRC?
 - When must materials be submitted?
 - What plans will the ConCom and PRC need to receive?
 - What, if any, further mitigation would the ConCom require?
 - Should foot traffic in front of the seating area and wall be allowed?
 - How will the slope in front of the wall be stabilized?
 - Was there other clearing/cutting done in this area? (what about in other areas around Bullough’s Pond?)
 - Staff Recommendations:
 - Issue a memo to PRC and/or Bullough’s Pond Association requiring after-the-fact permitting.
- 6. 191 Dedham Street – COC – (work never initiated) path at Countryside – DEP File #239-845**
- Owner/Applicant: City of Newton Representative: Tiffany Leung, Community Development Planner
 - Request: Issue COC.
 - Jurisdiction: Buffer Zone, BLSF, City Floodplain
 - Staff Notes: No staff site visit needed as work never commenced.
 - Staff Recommendations: Vote to issue a complete Certificate of Compliance.
- 7. 93 Vine Street – COC – additions to SFH – DEP File #239-800**
- Owner/Applicant: Igor and Alina Berdichevsky Representative: none
 - Request: Issue COC.
 - Jurisdiction: Riverfront Area
 - Staff Notes: Staff site visit on 9/18/20 confirmed compliance; all required paperwork has been received.
 - Staff Recommendations: Vote to issue a complete Certificate of Compliance.
- 8. 14 Phillips Lane – COC – addition to SFH – DEP File #239-796**
- Owner/Applicant: Louise Dube Representative: none
 - Request: Issue COC.
 - Jurisdiction: Buffer Zone, Riverfront Area

- Staff Notes: Staff site visit on 9/21/20 confirmed compliance; all required paperwork has been received.
- Staff Recommendations: Vote to issue a complete Certificate of Compliance.

9. 427 Crafts Street – COC – addition to SFH – DEP File #239-508

- Owner/Applicant: Bill and Irina Spiegel Representative: none
- Request: Issue COC.
- Jurisdiction: Buffer Zone, Riverfront Area
- Staff Notes: Staff site visit on 9/21/20 confirmed compliance; all required paperwork has been received.
- Staff Recommendations: Vote to issue a complete Certificate of Compliance.

10. 156 Otis Street – COC – teardown SFH and construct 2 new SFH – DEP File #239-801

- Owner/Applicant: Brian Hickey Representative: none
- Request: Issue COC.
- Jurisdiction: Buffer Zone
- Staff Notes: Staff site visit on 9/25/20 confirmed compliance; all required paperwork has been received.
- Staff Recommendations: Vote to issue a complete Certificate of Compliance.

11. Consideration of a new standard “finding” in the ConCom’s OOC template

- Staff Notes: The Commission has noted their concern about applicants seeking modifications to their projects (e.g., further expansion of lawn, reduction of plant material, etc.) shortly after receiving a permit. Although the Commission cannot prohibit such requests, it can better document the reasoning behind its decisions.
- Staff Recommendations: Currently, every OOC has a “reasons for approval” section. Consider adding to this section, when appropriate, something to the effect of: “The Conservation Commission finds that this project, with the approved limits of work, required mitigation, and following conditions adequately protects the adjacent wetland resource area(s), but represents the full extent of buffer zone alteration that should be allowed and that requests for further alterations of the buffer zone or any diminution of approved and required mitigation measures should be very carefully conditioned or denied.”

II. CONSERVATION AREA DECISIONS

12. Orienteering on Conservation Land

- Owner: ConCom
- Request: Parks, Recreation, and Culture (PRC) would like to establish permanent orienteering courses on three Conservation Areas: Flowed Meadow, Kennard, and Webster.
- Documents Presented: Program summary and sample map, site photos
- Staff Notes:
 - The interest is in developing orienteering courses and offering orienteering programs through PRC, Scouts, summer camps, and established orienteering groups.
 - These orienteering courses would consist of 4x4” posts with “control markers” and potentially QR codes on them, placed in various locations throughout the parcels. The idea is for participants to use maps and compasses to navigate from one point to the next.
 - Markers could be placed near trails, but users may not always remain on trails when traveling to each marker. This could lead to unofficial trail creation.
- Staff Recommendations:
 - Discuss benefits and drawbacks of installing courses and promoting orienteering programs on Conservation land.
 - Consider alternatives and compromises, such as map reading and map making courses/projects.
 - If there is interest in pursuing an agreement with PRC, determine appropriate parameters and guidelines (locations, limitations in the field, limitations in promotion, pilot program, etc.).

13. Benches and Plaques

- Staff Notes:
 - A Norumbega bench with a plaque, near dog water bowls, went missing.
 - CC Coggins would like to donate a Norumbega bench(es) and a plaque in memory of her husband (and son) near the Beach planted in memory of her son.
- Staff Recommendations
 - Determine required bench specifications.
 - Approve location of proposed bench(es).

III. ADMINISTRATIVE DECISIONS

14. **Guidelines for Construction in Flood Zone:** See Wetland Cases, agenda item #4, above

15. **Minutes of 9/17/20 to be approved**

- Documents Presented: Draft Minutes
- Staff Recommendations: Vote to accept the 9/17/20 minutes.

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

UPDATES

V. WETLANDS UPDATES

VI. CONSERVATION AREA UPDATES

- Houghton Garden -- Phragmites – Solitude is due to treat it shortly.
- Encroachments: Several known encroachments are being addressed.

VII. ISSUES AROUND TOWN UPDATES






















- OSRP: Staff still await final state approval.
- OSRP Implementation: COVID has delayed initiation of an Implementation Committee.
- Christina Street Bridge Feasibility Study: Staff are working to get scope out for estimates and are taking steps to secure the required MBTA access license.
- DCR Lower Falls shared-use trail: DCR is planning for a shared-use trail from Two Bridges to I-95/Quinobequin. Staff have drafted comments. Other City staff are reviewing those draft comments.
- DCR Quinobequin trails: DCR is planning for a shared-use trail I-95/Quinobequin to Route 9. Public meeting is planned for October 8. Staff have drafted preliminary comments. Other City staff are reviewing those draft comments.
- Other major trail connections: Pigeon Hill, Comm. Ave Carriageway, Pony Truss, etc. all continue to be worked on.
- Climate Action rolls along! Website is almost up and running, solar installations continue, BlueBikes are here, and EV chargers are being installed.
- Stormwater Ordinance: A new draft is being developed for internal review.

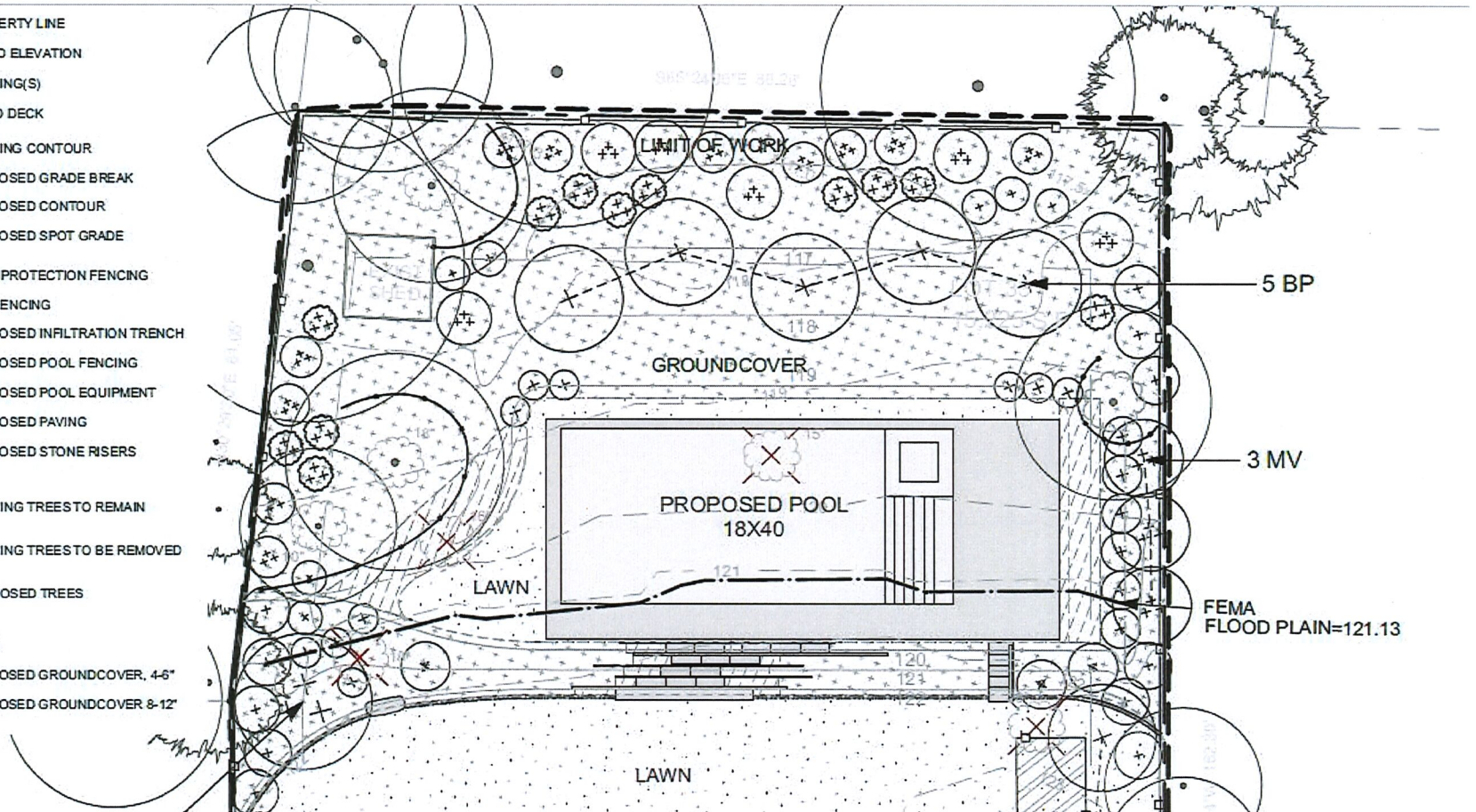
VIII. ADMINISTRATIVE MATTER UPDATES

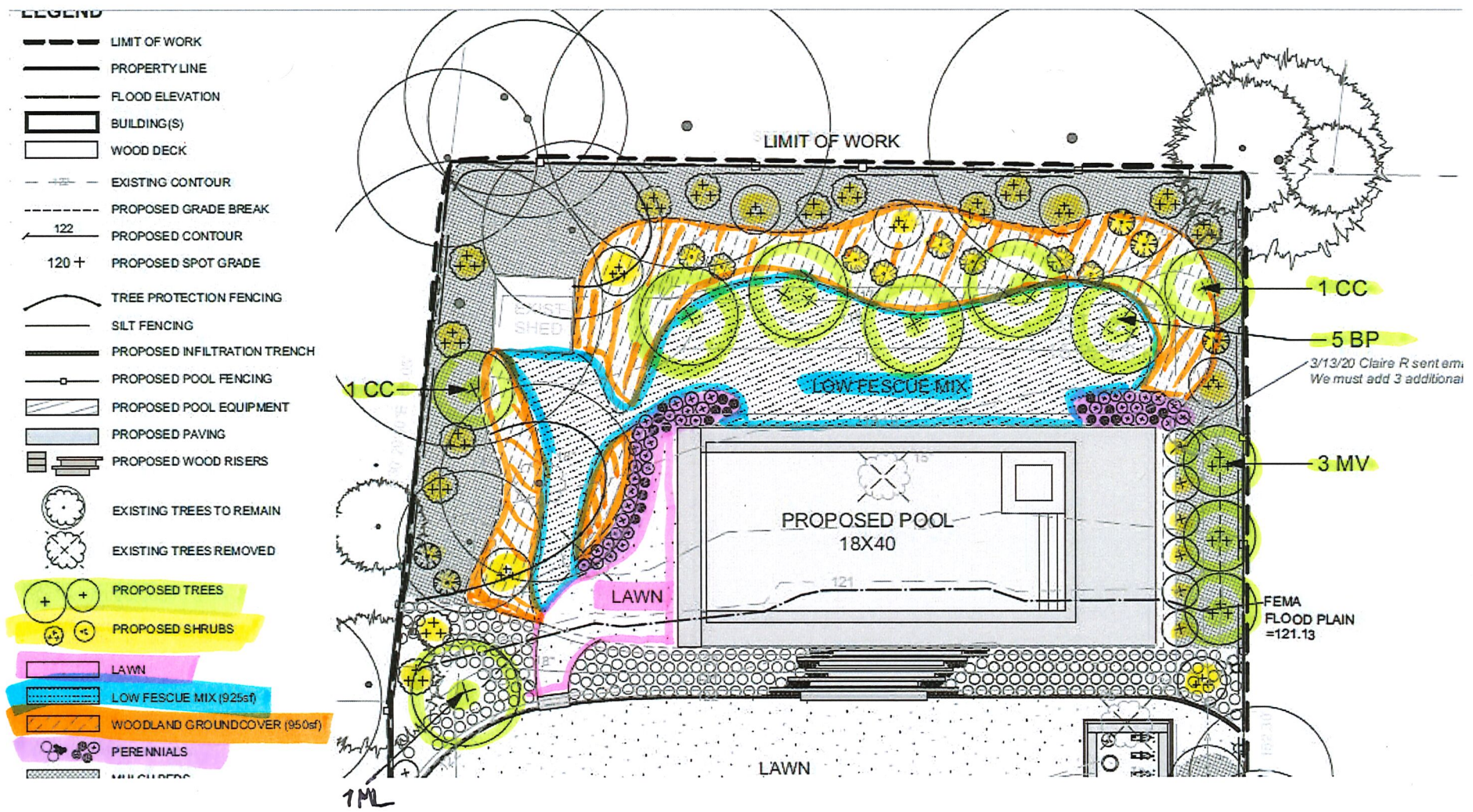
- Office Move: The Conservation Office (and the rest of the Planning Department) are moving office space to the second floor of City Hall. Staff can now be found within the Inspectional Services Department and our assistance can be requested by the public at the Inspectional Services counter.
 - Interns: Staff are considering establishing a part time college co-op position to assist with office and field work more independently than the high school interns have been able.
-

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

ADJOURN

-  PROPERTY LINE
-  FLOOD ELEVATION
-  BUILDING(S)
-  WOOD DECK
-  EXISTING CONTOUR
-  PROPOSED GRADE BREAK
-  PROPOSED CONTOUR
-  PROPOSED SPOT GRADE
-  TREE PROTECTION FENCING
-  SILT FENCING
-  PROPOSED INFILTRATION TRENCH
-  PROPOSED POOL FENCING
-  PROPOSED POOL EQUIPMENT
-  PROPOSED PAVING
-  PROPOSED STONE RISERS
-  EXISTING TREES TO REMAIN
-  EXISTING TREES TO BE REMOVED
-  PROPOSED TREES
-  LAWN
-  PROPOSED GROUNDCOVER, 4-6"
-  PROPOSED GROUNDCOVER 8-12"





PLANT LIST <i>Zakind Residence</i>				
Sym	Latin Name	Common Name	Quantity	Size
Canopy Trees				
GB	Ginkgo biloba	Maldenhalr Tree	1	3-3.5" CAL
NS	Nyssa sylvatica	Tupelo	1	3-3.5" CAL
Trees				
BP	Betula papyrifera	Paper Birch	2	2-2.5" CAL
BP	Betula papyrifera	Paper Birch	3	8-10' HGT
CF	Cornus Florida	Flowering Dogwood	1	2" CAL
CC	Carpinus caroliniana	American Hornbeam	2	2-2.5" CAL
ML	Magnolia loebneri 'Leonard Messel'	Leonard Messel Magnolia	1	2-2.5" CAL
MV	Magnolia virginiana	Sweetbay Magnolia	3	6-8' HGT
	Malus TBD	Fruiting Apple (Liberty, Priscilla)	2	2-2.5" CAL
Hedge			16	
TO	Thuja occidentalis 'Degroots Spire'	Degroots Spire Arborvitae	12	8-10' HGT
Shrubs				
CL	Clethra alternifolia	Summersweet	12	#2 CONT
CA	Cornus alternifolia	Pagoda Dogwood	6	#2 CONT
CS	Cornus sericea 'Cardinal'	Cardinal Redtwig Dogwood	8	#2 CONT
HA	Hydrangea arborescens 'Seaside Serenade'	Seaside Serenade Bar Harbor Hydrangea	5	#2 CONT
HM	Hydrangea macrophylla 'Endless Summer'	Blue Lacecap Hydrangea	3	#2 CONT
IG	Ilex glabra 'Shamrock'	Compact Inkberry	3	#2 CONT
VC	Vaccinium corymbosum	Highbush Blueberry (Bluegold, Legacy)	3	#2 CONT
VA	Viburnum acerfolia	Mapleleaf Viburnum	5	#2 CONT
			45	
PLANT LIST <i>Zakind Residence</i>				
Sym	Latin Name	Common Name	Quantity	Size
Perennials / Groundcover - (Embankment Planting)				
HK	Hakonechcha macra	Hakone Grass	270	#2 CONT
OJ	Ophiopogon japonicus 'Nana'	Mini Mondo Grass	88	QT
Perennials / Groundcover - (Upper Flower Beds)				
AM	Alchemilla mollis	Ladys Mantle	8	#2 CONT
HP	Hydrangea anomala petiolaris	Climbing Hydrangea	5	#2 CONT
Perennials / Groundcover - (Pool Beds)				
AM	Alchemilla mollis	Ladys Mantle	12	#2 CONT
GB	Geranium sanguineum	Bloody Cranesbill	13	#2 CONT
HV	Heuchera villosa 'Paris'	Paris Coral Bells	22	#2 CONT
IV	Iris versicolor	Blue Flag Iris	15	#2 CONT
No Mow Fescue Mix (Seeded)				
FE	Fescue Mix	Fescue Mix	925sf	Seed
Groundcover Mix				
ER	Epimedium x rubrum	Red Barrenwort		Plug
GM	Geranium maculatum	Bigroot Geranium		Plug
IV	Iris versicolor	Blue Flag Iris		Plug
MV	Mertensia virginica	Virginia Bluebells		Plug
PP	Pachysandra procumbens	Allegheny Spurge		Plug
PO	Podophyllum peltatum	Mayapple		Plug

IN JURISDICTION

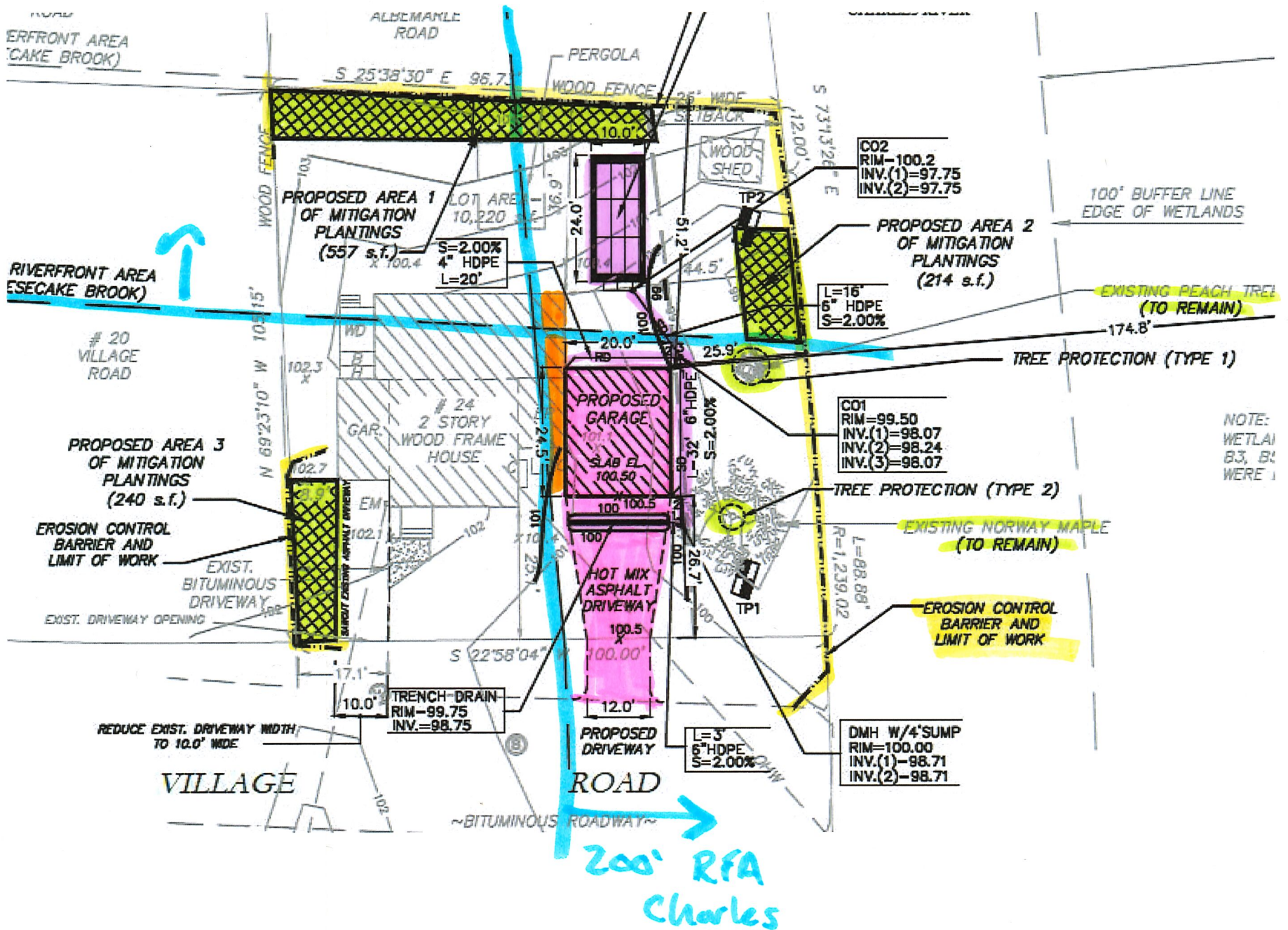
total trees
11 saplings

total shrubs
40

total
~62

24 Village Road



Proposed Conditions

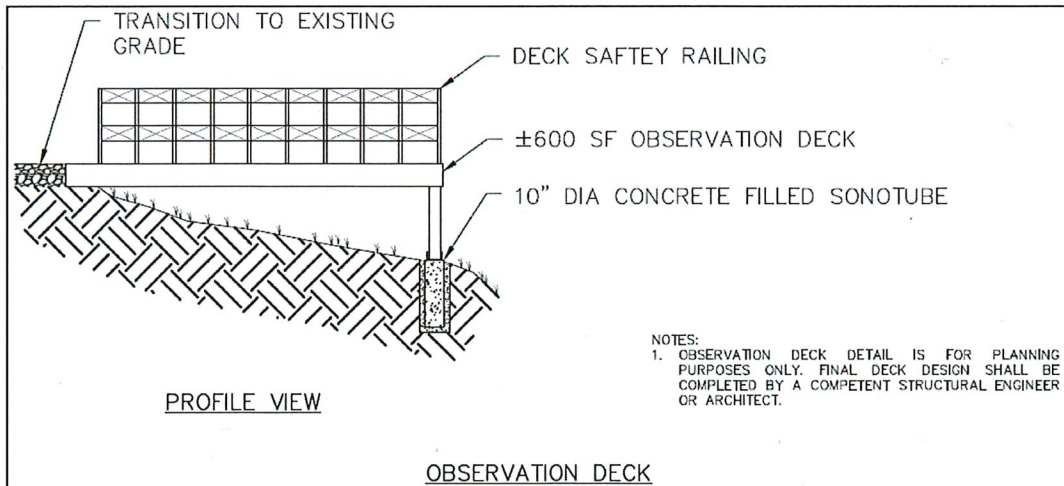
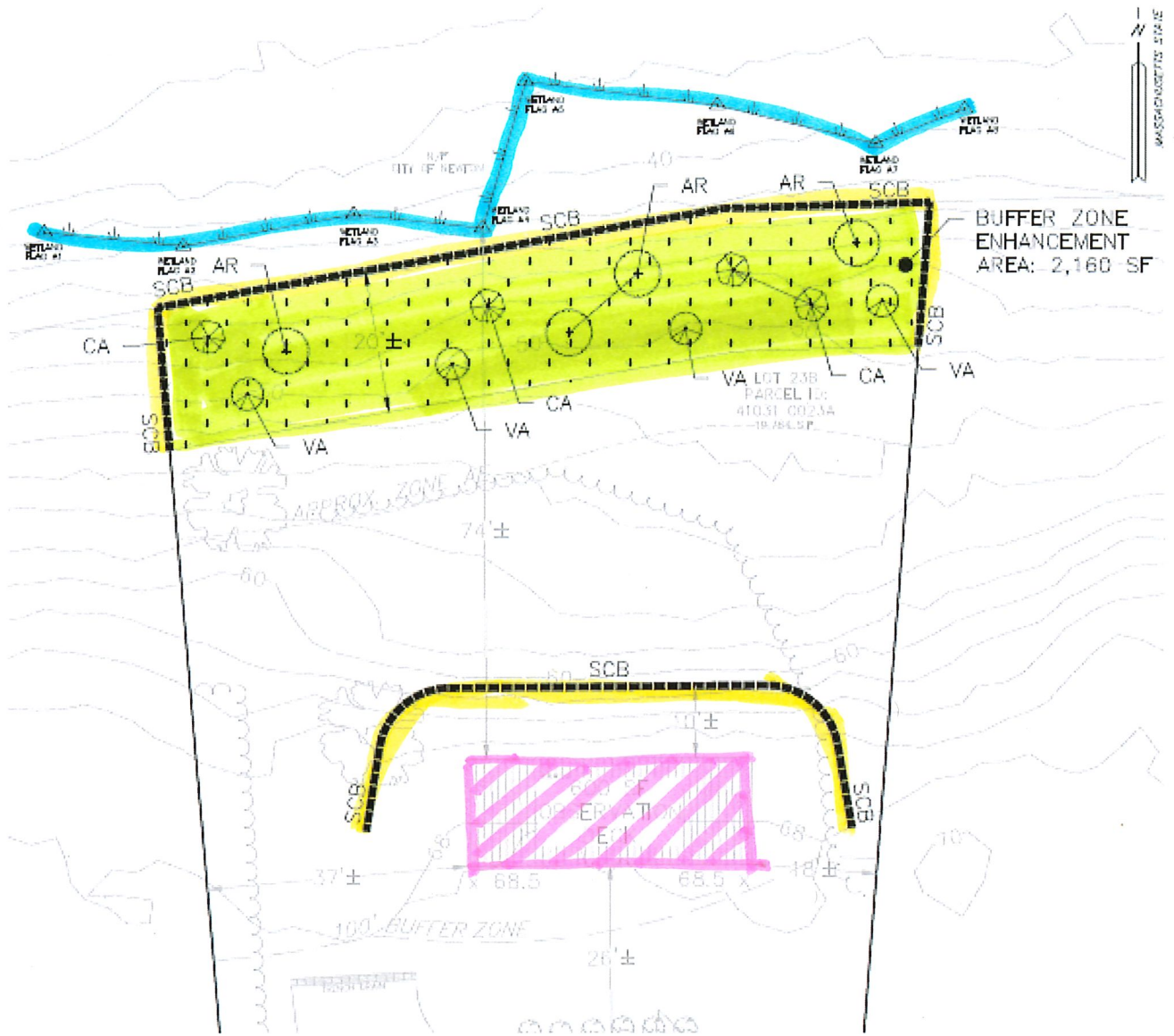


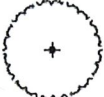



For the 10/8/20 Conservation Commission meeting

Mitigation Area No.	Mitigation Area Size (SQ. FT.)	Plant Type	Height (FT)	Span (FT)	Existing	New QTY	Narrative	
1	557 Predominantly east facing with maybe some south sun where it gets through the neighboring trees	Forsythia	6	4	Yes	1	Transplanted already from proposed project area due to backhoe used in soil analysis dig.	
		Evergreen Tree	12	9	Yes	1		
		Rose Bush	4	3	Yes	1		
		Uliac	8	6	Yes	1		
		Forsythia	6	6	Yes	1		
		Uliac	8	8	Yes	1		
		Raspberry Bushes	6	7	Yes	1	There are 6 individual raspberry plantings in close proximity to form said bush.	
		Ites virginica 'Sprich' LITTLE HENRY				Yes	5	It can be planted in the foreground and mingle nicely. Maybe as a front sweep or 2 groupings and it should be nice with existing vegetation.
		Hydrangea quercifolia 'Fee Wee'				Yes	2	Will give a pop of color and texture. These plants can go in at 2- to 3-gallon size. [QTY: 1, Transfer from side of house]
2	214 Predominantly south facing with some west shade by the neighboring trees on the west boundary	Ilex x aquipernyi 'Meschick' DRAGON LADY			Yes	1	It is more manageable in size for that small space. Attracts birds and Tolerate of air pollution. [QTY:1, Transfer from new driveway area]	
		Clethra alnifolia 'Hummingbird'				Yes	1	This is a nice compact clethra and will look nice with the holly if surrounded in a gentle chevron. Extremely fragrant white flowers. Attracts butterflies. Tolerant of heavy shade.
		Sedum 'Autumn Joy'				Yes	1	
		Salvia nemerosa 'May Night'				Yes	2	Great pollinator plants. Get them all as 1-gallon plants; they will really fill in the space with the above shrubs.
		Rudbeckia fulgida 'Goldsturm'				Yes	1	
		Stachys humello				Yes	2	
3	240 North facing with some light from the east and maybe a hint of west	Highbush Blueberry (Vaccinium corymbosum)	Option 1			Yes	6	Could do a mix of 3 types for the best cross-pollination. Choose what's available in the nurseries, do 2 of each for a total of 6 plants along that run. Provide ample water and a 3-inch depth of wood chip mulch to get blueberries.
		Waldsteinia fragarioides				Yes	3	Native ground cover.
		Azalea (Rhododendron) Weston's Innocence	Option 2			Yes	4	Attracts butterflies, hummingbirds and birds. Fragrant. Tolerate: Rabbit. [QTY:1, Transfer from side of house]
		Ilex glabra 'Shamrock'				Yes	3	Attracts birds. Tolerate: Rabbit, Deer, Erosion, Wet Soil, Air Pollution.
N/A		Bitchul viburnum					1	Relocation from side of house to accommodate new garage foundation. Move to area right of the Norway Maple tree. [Transfer from side of house]
N/A		Forsythia					1	Relocation from new driveway area to accommodate new driveway. Move 12 feet to the right of current location. [Transfer from new driveway area]

EROS BA

 - existing plantings to be augmented/transplanted
 - proposed new plantings

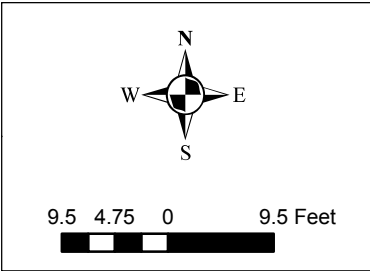


BUFFER ZONE ENHANCEMENT PLANTING SCHEDULE						
KEY		QUANTITY	BOTANICAL NAME	COMMON NAME	SPACING	SIZE
AR		4	PINUS STROBUS	WHITE PINE	AS SHOWN	3-5'
VA		4	AMELANCHIER CANADENSIS	SHADEBUSH	AS SHOWN	3-5'
CA		4	VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY	AS SHOWN	2-3'
SEED MIX		LOCATION: BUFFER ZONE ENHANCEMENT AREA		ERNMX-129: 30% CREEPING RED FESCUE, 30% CHEWINGS FESCUE, 20% ANNUAL RYEGRASS, 10% KENTUCKY BLUEGRASS, 'BARON,' 10% ROUGH BLUEGRASS		APPLICATION RATE: 3-5 LBS/1000 SF 100-200 LBS/AC




**33 Staniford
Aerial Representation
Proposed Deck
Newton, Mass.**

Map Date: 09-29-2020



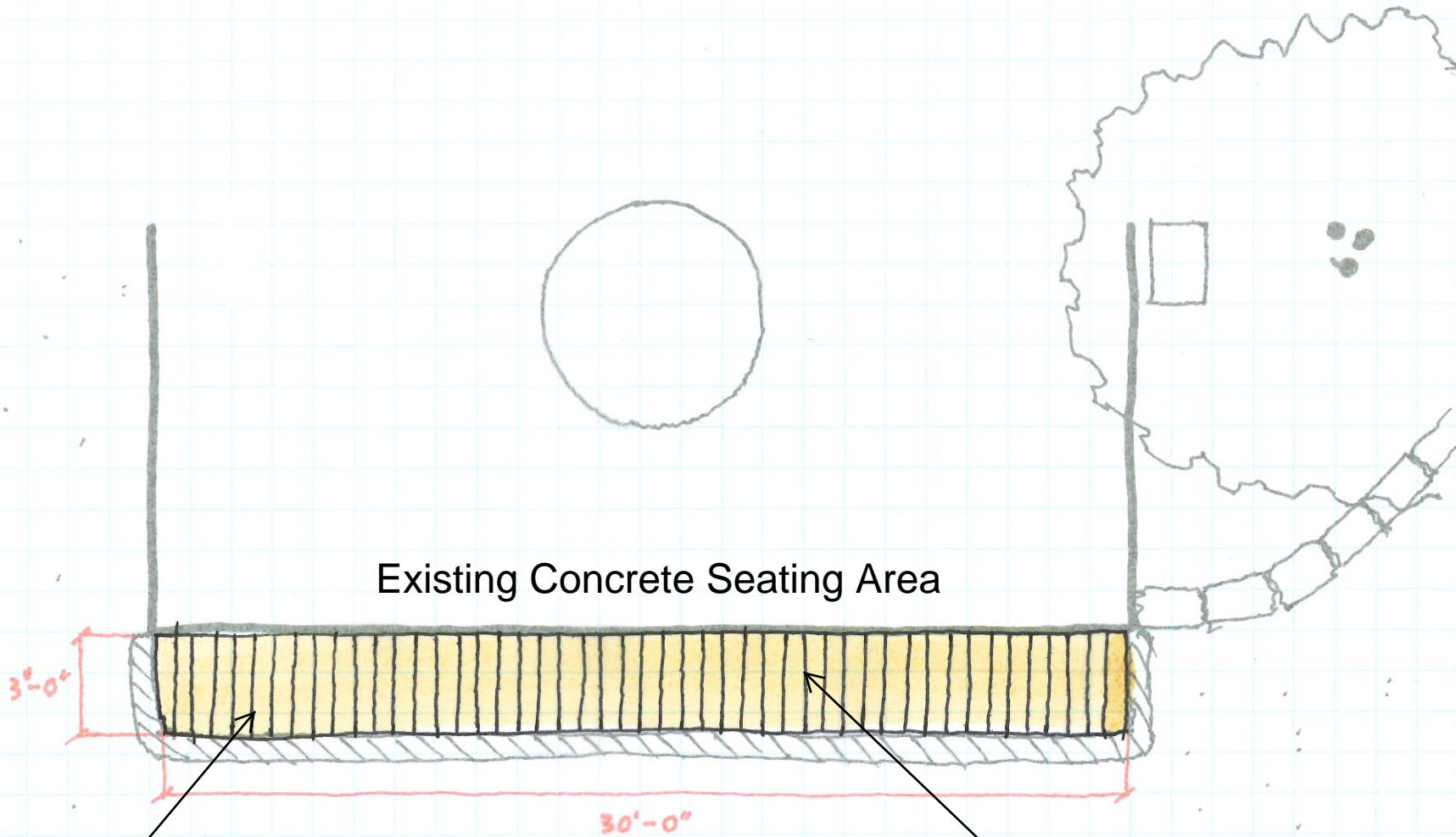
Legend

 Buffer Zone line

The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Existing Concrete Seating Area

3'-0"

30'-0"

New Soil not to exceed extent of straw wattle

All Plant material shall be planted within new soil area

Bullough's Pond Seating Area
Soil Placement Plan 1"=5'-0"

Bullough's Pond Viewing Area

Bullough's Pond Association (BPA) is looking to install and maintain a planting bed along the Pond-side perimeter of the existing concrete slab where benches have been installed and a dilapidated deck has been removed. The removal of the deck was done without disturbing the underlying ground, or the area sloping toward the Pond's edge. However, to ensure erosion control, bail tubes (aka straw wattles) have been installed to create a planting bed. The BPA paid for the removal of the deck and installation of the erosion control wattles. The bed itself is 30 feet long, 3.5' wide, and about 12" deep. The City will provide the planting soil for the plant bed. The BPA will acquire, pay for, plant, and maintain all the plants within the planting bed, and water (if necessary) any seeding or matting the City installs outside the planting bed to help seedlings germinate. We are hoping that the City will also consider re-soiling and replanting seed all around the site, as they once did, to remediate what did not take hold.

The plants that have been selected are native species, low growing (so as not to impede the view from the sitting benches), fairly easy to maintain, and of varieties to create plants of interest throughout the seasons. The BPA will review the site in the spring (and periodically thereafter) to remediate any unanticipated erosion or plant failures. Based upon availability for immediate planting, we have selected the following plants:

- 6 geranium maculatum (blooms in spring, early summer, tolerate part shade, 12-15", space 2' apart)
- 6 carex (grass ground cover, part shade, 12-18", space 2' apart)
- 6 native aster, New England (blooms in fall, full sun, 15-20", space 18" apart)
- 8 cornus canadensis (blooms in summer, part sun, low growing ground cover)
- 8 Gro-Low Sumac (*Rhus aromatica* 'Gro-Low') is an outstanding groundcover shrub that is only 18" tall but spreads widely. It grows in most any soil in full or part shade. Blooms late spring to early summer. Because of its ability to spread by root suckers it will create increased stability within the planting bed, and beautiful fall color.

Orienteering in Newton

A Partnership with Newton Parks, Recreation and Culture and the **Newton Conservation Commission**

Background

Orienteering is a sport that can be done outdoors year-round and promotes physical fitness by challenging you to read a detailed map (using a compass if desired), make decisions and plan a route to find control markers along a designated trail. This is a great outdoor activity that can be done with social distancing parameters in place.

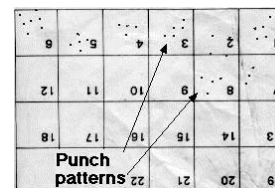
Trails can be designated for beginners (where controls are on the trails), for more advanced players (where control markers are off the trail but can be seen from the trail), or off trail (which require going off the trail to look for the markers).

In competitive courses, the fastest time wins, so planning the best route and navigating through unmarked trails becomes a useful skill. In non-competitive courses, orienteering becomes a fun “treasure hunt” to find all of the controls.

Participants can be any age (younger children can participate with an older sibling or adult), be alone or in groups, can walk or run, and can be competitive or non-competitive.

The Equipment

1. Control Markers – these are identified by a metal sign with a white and orange triangle that form a square. They may have a specific number or letter on them to indicate they are a specific marker. Control markers are often on trees or on wooden posts in the ground. Control markers can also include QR codes that people can scan with their phone for more information.
2. A Detailed Map – this is key in the orienteering course. It will identify different features of the course like contour lines, trails, water and marsh formations, vegetation, rocks and boulders, man-made features, where each of the control markers are located, etc. It may also indicate areas that are off limits or private property. Maps can also include QR codes for more information.
3. Control Punch or E Timer – these can be used with control cards to indicate that you have found a specific control. Each punch should be unique. If a marker has a control punch on it you can punch your card in the appropriate spot with the punch from that control marker. Some competitive courses will use electronic timers for checking in to that control marker.
4. Control Cards – include numbered or lettered boxes for a specific trail. Participants use the control punch to punch the correct square on the paper at each control marker to indicate they have been to that control marker. These could be included on the map for each park.
5. Compass – a compass may or may not be used depending on how difficult the course is. Many beginner courses can be done with just the map.



Permanent Courses

We are looking to install 6 permanent courses in Newton Parks. Each location would have 10 controls to find. Control marker signs and punches would be affixed to a 4”x4” wooden post installed in the ground. QR codes on each post would give information about the park, specific features, history, information about native species of plants and animals, etc.

Course Locations

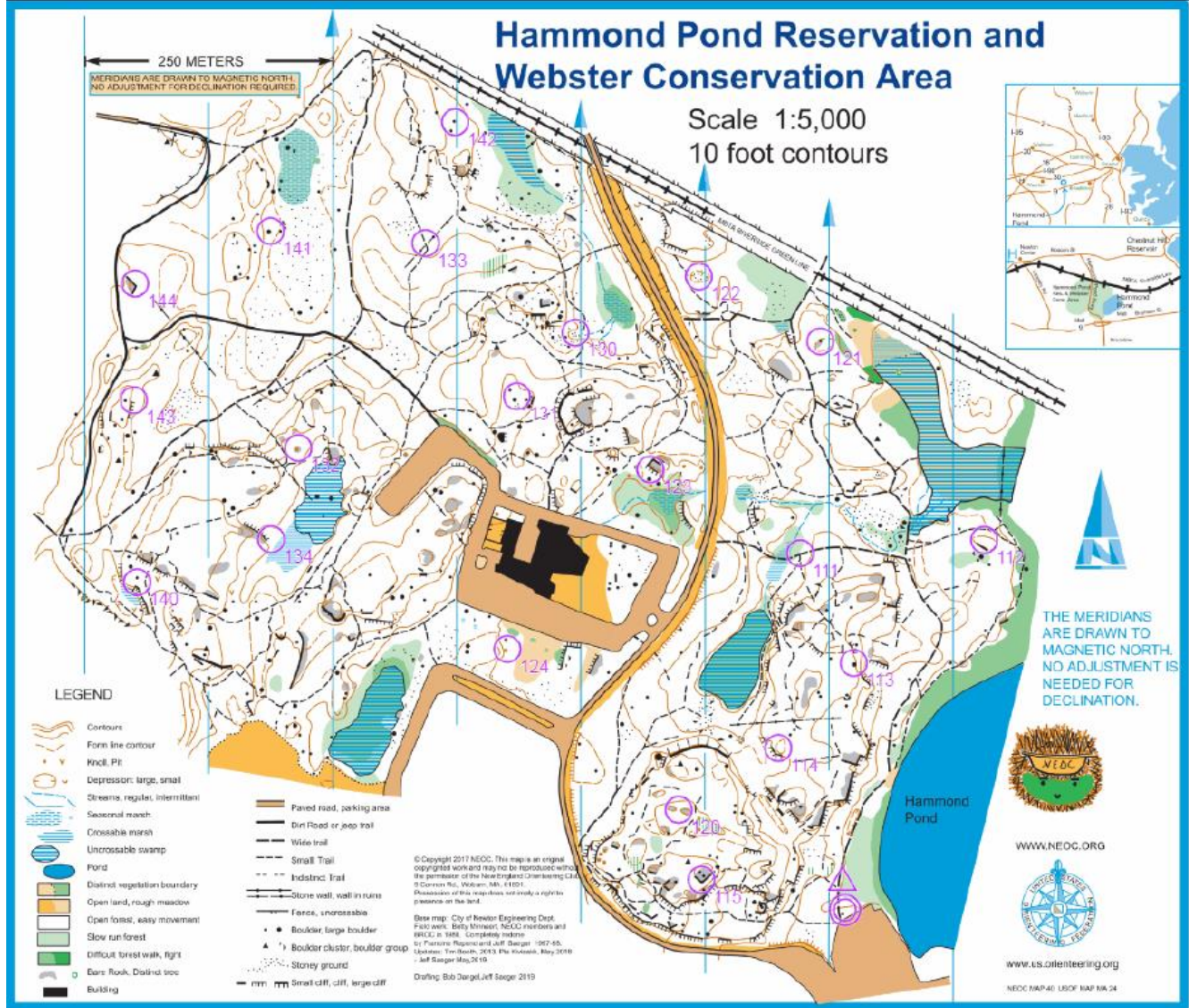
Courses can vary in length and difficulty. Some courses could be designed as “easy” where the marker is on, or a few feet off the trail, while others could be a little more difficult where the marker is off the trail and participants have to use the map to find the marker. Courses can also be a combination of easy and more difficult.

Consideration for locations include:

- A. Length of trails – each of the below parks has at least 1 mile of trails that can be used for installing permanent courses.
 - B. Location in the City – courses should be in different villages to make it easier for residents throughout the City to participate.
 - C. Parking – having permanent courses will allow us to host some events on the trails. Locations that have designated parking or parking lots will reduce the impact to neighbors.
 - D. Accessibility – hiking on natural trails over rocks and roots is not user friendly to residents with mobility issues. A few of our parks (Auburndale Cove and Nahanton Park) have portions of their trails on accessible paths which would allow more people the opportunity to participate.
1. Auburndale Park/**Flowed Meadow**/Lyons Park
 - a. West Pine St in Auburndale
 - b. Parking on West Pine St and Commonwealth Ave
 - c. Flowed Meadow is on conservation land
 2. Cold Spring Park
 - a. Beacon Street in Newton Highlands
 - b. Parking on Beacon St, Dunklee Street and Plymouth Rd
 3. Edmands Park –
 - a. Blake Street in Newtonville
 - b. Parking on Blake St
 4. **Kennard Park**
 - a. Dudley Rd in Newton Centre
 - b. Parking at Dudley Rd, Audubon Dr, Pond Brook Rd
 - c. Most of Kennard Park is on conservation land
 - d. Part of this trail is in Brookline
 5. Nahanton Park
 - a. Nahanton St in Newton Highlands
 - b. Parking on Nahanton St and Winchester St
 6. **Webster**/Hammond Pond Reservation Conservation Area
 - a. Warren St in Newton Centre
 - b. Parking off rt 9 at Hammond Pond Pkwy, Madoc St, Elgin St, Warren St
 - c. Webster Park is on conservation land
 - d. Hammond Pond is DCR property

Sample Orienteering Map

This map, provided by the New England Orienteering Club, is a typical map that would be used in orienteering. It shows the location of the control markers (pink circle with number) for that day's events.



Parks with permanent courses would feature a similar map with control marker locations on the map. Permanent course maps can list areas that are off limits or reminders to stay on the trail in certain areas.

Construction in Flood Zone
Newton Conservation Commission
Guidelines under the State Wetlands Protection Regulations (310 CMR 10.00)
Draft 10/1/20

Purpose. It is the interest of the Newton Conservation Commission to ensure that flood zone areas continue to provide flood storage and wildlife habitat value interests as specified in the state wetland regulations, most specifically:

310 CMR 10.57(1)(a)2. Bordering Land Subject to Flooding provides a temporary storage area for flood water which has overtopped the bank of the main channel of a creek, river or stream or the basin of a pond or lake.

310 CMR 10.57(1)(a)3. Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat.

Guidelines. As per the regulations, “unrestricted hydraulic connection” must be provided in areas of compensatory flood storage,

310 CMR 10.57(4)(a)1. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.

310 CMR 10.57(4)(a)2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

Therefore:

- 1. Areas developed as compensatory flood storage must be fully open to the flow of water from any and all sides of the contiguous flood plain.**
 - a. Structures must be constructed on pilings. “To act as an unrestricted hydraulic connection in Bordering Lands Subject to Flooding, there would have to be an open pile foundation with the lowest floor or lowest horizontal structural member elevated at or above the 100-year flood elevation, so river flow during a flood can flow unimpeded. An open-pile foundation would only require compensatory flood storage for the volume of the piles.”
 - b. Apertures in otherwise solid foundations are not permitted. “Apertures, orifices, or penetrations of any size in a solid foundation act as hydraulic restrictions, when constructed in Bordering Lands Subject to Flooding.” “The apertures or orifices in a solid foundation act as hydraulic restrictions when constructed in Bordering Lands Subject to Flooding, so do not meet the 310 CMR 10.57 criteria to provide compensatory flood storage.” “The volume enclosed by the solid foundation cannot be credited to serve as compensatory flood storage, regardless of the numbers and size of apertures and orifices.” [Note: Quoted text is from email communication from Tom Maguire of MassDEP Wetlands Program, Boston MA, July 2020]
 - c. Skirting, wire mesh, lattice, or other similar covering over or around pilings or apertures within the flood zone/elevation may be permitted only if those materials are proven to not impede or restrict the flow of flood waters. Any covering that is proposed within the flood zone/elevation must have an even distribution of at least 50% open air and must not be of a design that is likely to trap debris. All proposals for covering must be submitted to the Conservation Commission for review and approval; submissions must prove that the proposed material meets the requirement of preserving unrestricted hydraulic connection. Some options that may be considered by the Commission for approval include the following:
 - Shrubs planted at grade
 - Wire cables spaced at least 1” apart
 - Wire mesh with large holes (e.g., 1”x4” openings)
 - Wooden lattice with large holes (e.g. ~2” on a side)
 - Narrow, vertical lath with large gaps (at least 1”) between the slats and total coverage of no more than 50%

2. Fences must not restrict hydraulic connection or impede wildlife passage.

- Installing a fence in BLSF is an alteration, so requires the filing of a NOI.
- The BLSF performance standards for storm damage prevention and flood control must be demonstrated to be met.
 - For the wildlife habitat interest, the bottom of the fence would need to be elevated to provide for wildlife passage, similar to fences constructed in the Riverfront Area.
 - For the storm damage prevention and flood control interests, the fence would have to comply with 310 CMR 10.57(4)(a)2., work "shall not restrict flows so as to cause an increase in flood stage or velocity." The burden is on the Applicant to make this demonstration.

CONSERVATION COMMISSION MINUTES

Date: September 17, 2020

Time: 7:01pm – 10:32pm

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, Judy Hepburn

Members Absent: Ellen Katz

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 – Trail Closing and Benches in Webster – Eagle Scout Project

- Owners: City of Newton Applicant: Ethan Faulkner
- Request:
 - Eagle Scout candidate Ethan Faulkner will present his request to work on Conservation land to: (1) install 3 benches, (2) restore 3 unsanctioned trails, and (3) install bat boxes.
 - Vote to agree that the work qualifies under the Generic Trails OOC.
- Documents Presented: PowerPoint presentation by Scout
- Jurisdiction: Buffer Zone
- Presentation (Ethan Faulkner) and Discussion:
 - Ethan walked through his PowerPoint presentation. He noted that he wanted to start work very soon (perhaps Nov. 10-12), since he will “age out” in March 2021.
 - Staff have reviewed the project and made site visits of their own and believe that it has great merit.
 - The Commission originally supported the number and location of benches proposed, but later suggested limiting the project to one bench, in part, because of the possible challenge of getting an appropriate bench donated, and in part to test the use of benches. The Commission noted their preference for 5', faux wood, anchored benches with backs and arms.
 - The Commission discussed the priority trail closures and the opportunity to do additional trail closures should the timing work out.
 - Ethan must still meet on site with staff to flag the exact locations of work to be done.
- Vote: To approve this project taking place on Con Com land, and noting that: (1) the deconstruction of the bike course must include earthworks, (2) trail removal/restoration should not include plantings, and (3) only one bench should be installed as a trial for the conservation area as a whole. [Motion: Susan Lunin; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 6:0:0]

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, draft OOC
- Jurisdiction: Buffer Zone
- Project Summary
 - Demolish existing greenhouse and shed. Remove existing stone wall and raised planter beds to allow for re-grading of yard area.
 - Construct addition onto single family home where existing greenhouse and shed are located. Increase in impervious area within jurisdiction is roughly ~375.5 s.f. Regrade back yard.
 - Relocate 5 existing lilac and buckeye plants to accommodate the construction. Replace existing distressed crab apple tree with 2 river birches.
 - Plant 10 shrubs and a variety of native perennials along the edge of the pond.



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
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F 617/796-1142

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- Presentation (John Shields) and Discussion
 - Applicant detailed the changes made between this meeting and the last based on Commission and staff comments. He noted a smaller roof area and increases in shrub plantings along the shore.
 - The applicant noted that the “rain garden” is really more of a vegetated drywell that will receive roof runoff.
 - The patio will be bluestone on a sand base.
 - The applicant noted his intention of undertaking the project in two phases: interior retrofit followed by back yard construction. He intends, however, to undertake much of the required planting as soon as the permit is issued.
 - Commissioners noted that there were some changes to the plans that were not clarified, specifically changes to the patio. The applicant clarified that there had been some errors and omissions in the previous plans that did not reflect actual changes to the project, rather just changes in labelling and nomenclature.
 - Commissioners felt that their interests were addressed adequately to issue an Order of Conditions.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Susan Lunin; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 6:0:0]
 - 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 prior to the start of work.
 - Prohibitions include: Other than the one crabapple tree approved to be replaced with a birch tree, no trees are proposed or approved to be removed within the Conservation Commission’s jurisdiction.
 - Landscape plantings within Commission jurisdiction must comport with the approved mitigation planting plan and 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. Be installed on or before October 15, 2021.
 - d. Have a survival rate of 100% of total number of trees (after 2 growing seasons).
 - e. Have a survival rate of 100 % of total number of shrubs (after 2 growing seasons).
 - f. Have a survival rate of 100 % of all other plants (after 2 growing seasons).
 - g. Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
 - If any trees within the buffer zone 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).
 - The required mitigation plantings shall be maintained in their predominantly natural condition and shall not be replaced with lawn or hardscape of any sort.

3. 210 Upland Avenue – NOI (cont’d) – proposed retaining wall – DEP File #239-875

- Owner/Applicant: Matthew Border Representatives: Franklin Schwarzer (Schlesinger and Buchbinder), John Glossa (Glossa Engineering, Inc.), Karon Skinner Catrone (wetland scientist)
- Request: Issue OOC.
- Documents Presented: none
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary
 - Remove existing retaining wall, 5 live trees (~49 caliper inches), and 2 dead trees.
 - Construct a new retaining wall just off the property boundary, now with a maximum height of 4’. Roots of the 97 Bound Brook neighbor’s hemlocks along the eastern property line will be bridged with stone to ensure survival.
 - Infill the new wall to create a larger more level lawn.
 - Install plantings (7 arborvitae, 2 flowering dogwood, 4 swamp azalea, and 2 mountain laurel) along the north side of the proposed retaining wall to provide screening for the neighbors at 200 Upland Ave.
 - **Outside Wetland Jurisdiction:** Raise the height of the existing retaining walls along the property edges to match the new retaining wall. Install a patio.
- Presentation (Franklin Schwarzer, John Glossa, Karon Skinner Catrone:
 - The applicant’s representatives provided a summary of the changes that have been made to the project and thanked the Commission for their feedback, as the changes resulted in a better project for the homeowners and precludes the need for a special permit.
 - The applicant’s representative detailed the “bridge” solution for the retaining wall that use rebar to provide a stable base to the wall while bridging over the existing roots of the neighbors hemlock trees.

- The applicant’s representatives noted that an abutter has minor concerns, but that the project team feels they have reduced the project’s impact as much as practical.
- Commission asked for clarification on whether a fence is now proposed for wall due to the reduced height and the applicant stated that there was no fence shown on the plans or currently proposed.
- The applicant confirmed that the wildlife tunnel has also been removed.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Jeff Zabel; Second: Susan Lunin; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 5:0:0] NOTE: Commissioner Leigh Gilligan needed to step out for a moment and was not present for this vote.
 - The applicant must schedule and attend a pre-construction site visit
 - Prohibitions include: Disturbance of or damage to trees on abutting properties.
 - 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. Be installed on or before October 15, 2021.
 - d. Have a survival rate of 100 % of total number of trees (after 2 growing seasons).
 - e. Have a survival rate of 100 % of total number of shrubs (after 2 growing seasons).
 - If any trees within the wetland or buffer within the project area (on the subject site or immediately adjacent to the construction area on abutting parcels) 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).
 - The required mitigation plantings shall be maintained in perpetuity in their predominantly natural condition.

4. 35 Wayne Road – RDA – access through RFA for pool construction outside jurisdiction

- Owner/Applicant: Carmine Petruziello Representative: John Rockwood, EcoTec, Inc.
- Request: Issue DOA.
- Documents Presented: Colored plans, site photos, draft DOA
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary
 - The homeowner wants to construct a pool and associated structures outside the 200’ Riverfront Area.
 - A 9’ wide (narrowing to 6’ wide) construction access “lane” through Riverfront Area will be required. The area is currently lawn. The proposal is to demarcate the lane with straw wattles.
 - Erosion controls are proposed for the toe of the slope along the Wayne Road frontage and at the base of the slope in the rear yard to prevent sediment traveling.
 - No disturbance of the bounded mitigation area is proposed.
- Presentation (John Rockwood) and Discussion
 - The applicant’s representative presented the project details and addressed the staff notes from the agenda.
 - The access corridor is currently lawn and has been aligned to avoid the saplings in the front lawn.
 - One mini-excavator would enter the property and traverse up the construction access once, and leave the construction area once.
 - All other traversing of the construction access would be hand or small machines (i.e., wheelbarrows or a lawn tractor).
 - There would be no blasting (only hammering if/as necessary)
 - Most of the spoils from the excavation for the pool would be used as fill behind the retaining wall.
 - Concrete could be pumped from a truck parked in the road.
- Vote: To issue a negative 2 and negative 3 Determination of Applicability with the following conditions. [Motion: Susan Lunin; Second: Leigh Gilligan; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 6:0:0]
 - Applicant must schedule and attend a pre-construction site visit with the project superintendent to review the erosion controls.
 - If any trees within the wetland or buffer on the subject site 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).
 - The existing mitigation area bounds must remain in place and fully intact throughout the project and thereafter.

- Applicant must schedule and attend a post-construction site visit after the site has been fully stabilized to ensure the work has had no adverse impact on the mitigation area or trees.

5. 2310, 2322, 2344 Washington Street – RDA – mill & overlay existing parking lot and install planting areas

- Owner/Applicant: NDNE Washington Street LP & NDNE Washington Street II LP Representative: Erika Clarke, National Development
- Request: Issue DOA.
- Documents Presented: Plans, site photos, draft DOA
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF
- Project Summary
 - Mill and overlay existing parking lot area, along with catch basin structure repairs.
 - Plant two landscape areas with a total of 6 red twig dogwood, 3 sweet pepperbush, 6 joe-pye weed, 6 marsh marigolds, 12 blue flag iris, 6 winterberry, 6 cardinal flower, 6 low-grow sumac.
 - **Exemption**: Outside of the floodplain, full parking lot reconstruction is proposed; this is exempt under 10.58(6).
- Presentation (Erika Clarke) and Discussion
 - Applicant provided a summary of the work. Staff added some detail about how the mitigation will enhance wildlife habitat and stormwater management for a parking lot with no existing stormwater management.
 - Commissioners asked if any other mitigation would be appropriate. The applicant stated National Development would be interested in doing invasive removal along the riverbank of the Charles to improve habitat, aesthetics, and access to the walkway along the edge of the parking lot, after consultation with Conservation staff.
- Vote: To issue a negative 3 Determination of Applicability with the following conditions. [Motion: Kathy Cade; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Green (aye), Lunin (aye); Vote 6:0:0]
 - The applicant must schedule and hold a preconstruction site visit with the Conservation Agent and the project superintendent to ensure that boundaries of full depth reconstruction are understood and clearly marked in the field.
 - All proposed plantings on the approved plans must be installed as per the approved plan, must be installed within 6 months of paving, and must survive 2 growing seasons.
 - Invasive control may be undertaken if Conservation Office staff approve, in writing, a plan and narrative.

6. 51 Oakland Ave – COC – additions to SFH and new patio– DEP File #239-809

- Owner: Tony Verzura Applicant: B. Scott Miller Representative: none
- Request: Issue COC.
- Jurisdiction: Buffer Zone, Riverfront Area
- Discussion: Staff stated that a site visit on 9/4/20 confirmed compliance and that all paperwork had been received.
- Vote: To issue a complete Certificate of Compliance. [Motion: Susan Lunin; Second: Leigh Gilligan; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 6:0:0]

7. 170-172 Sumner Street – COC – additions to SFH and new deck– DEP File #239-777

- Owner/Applicant: Yu Zheng Representative: none
- Request: Issue COC.
- Jurisdiction: Buffer Zone, Riverfront Area, City Floodplain
- Discussion: Staff stated that a site visit on 9/4/20 confirmed compliance and that all paperwork had been received.
- Vote: To issue a complete Certificate of Compliance. [Motion: Kathy Cade; Second: Leigh Gilligan; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 6:0:0]

8. 21 Renee Terrace – COC – teardown/rebuild SFH – DEP File #239-802

- Owner: Tseh-Hwan Yong Applicant: Aurel Garban Representative: none
- Request: Issue COC.
- Jurisdiction: Buffer Zone, City Floodplain
- Discussion: Staff stated that a site visit on 9/4/20 confirmed compliance and that all paperwork had been received.
- Vote: To issue a complete Certificate of Compliance. [Motion: Judy Hepburn; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 6:0:0]

9. 70 Truman Road – COC – addition to SFH – DEP File #239-838

- Owner/Applicant: Barbara and Joe Cheteoui Representative: none
- Request: Issue COC.
- Jurisdiction: Riverfront Area

- Discussion: Staff stated that a site visit on 9/4/20 confirmed compliance and that all paperwork had been received.
- Vote: To issue a complete Certificate of Compliance. [Motion: Susan Lunin; Second: Leigh Gilligan; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 6:0:0]

II. CONSERVATION AREA DECISIONS

10. Kessler Woods

- Owner: Chestnut Hill Realty Conservation Restriction Holder: City of Newton
- Issue 1: Trail access update: The owner has noted their willingness to provide a public access easement across their property to allow for access to the to-be-developed trail connecting Harwich Road to Lagrange Street. Staff will continue to pursue this along with trail creation.
- Issue 2: Lagrange Street frontage: The owner has noted their interest in cleaning up invasives and dead trees along the street frontage of Lagrange Street AND installing a fence and grass wherever cleanup is done. The Commission must decide whether to permit replacement of the existing fence in the Conservation Restriction area to ensure ongoing control of the invasive vines and facilitated public access.
- Discussion:
 - Staff provided an overview of the area, the hopes for access, and existing roadside conditions of Lagrange.
 - Staff noted that there is an existing fence (old concrete pillars with braided cable in between) hidden underneath the vegetation that is in poor condition.
 - The Commission noted their support of a clean-up of the street frontage and facilitated pedestrian access along Lagrange Street that would allow for a trail connection into the City's Kessler Conservation Area parcel.
 - The Commission agreed that new decorative fencing should not be allowed on City-owned conservation property.
 - Staff noted the existing special permit requirement for Chestnut Hill Realty to perform invasive species management across the entire Chestnut Hill Realty parcel. Staff suggested that we request a master plan for invasive control (recognizing that it will require a phased approach) from Chestnut Hill Realty to best serve all parties.
- Consensus: Staff should reach back out to Chestnut Hill Realty to get an official proposal regarding what they propose for invasive management and fencing along Lagrange. Staff will pursue a public access easement.

11. Trail Proliferation in Webster Conservation Area

- Discussion: Staff provided a brief update based on the approval of Ethan's scout project and suggested a Commission workday in Webster East; there was limited interest. Some Commissioners noted their interest in allowing bikes in Webster, but the discussion concluded with concerns about the challenges of limiting it (and enforcing it) to only "slow" biking on "appropriate" wide, gravel trails.

III. ADMINISTRATIVE DECISIONS

12. Guidelines for Skirting around Piling Construction in Flood Zone

- Documents Presented: original DRAFT policy
- Discussion
 - The Commission noted that it has not been given clear guidance from the state DEP or from engineers on thresholds for skirting, so it must determine the path forward on its own.
 - The Commission noted that at 116 Upland Ave.:
 - The unpermitted lath seems to violate the terms of that OOC
 - The apertures between the lath are not sufficient.
 - The Commission must initiate enforcement action
 - The owner should have appealed the OOC if the condition was not acceptable OR
 - The owner should have sought approval of a plan change prior to installing skirting
 - The question for the Commission is: what must the owner do to bring the site into compliance so that a Certificate of Compliance could be granted?
 - The Commission should require of this owner whatever it would allow future applicants under a new guidance or policy for such circumstances that will ensure that water can pass freely from all directions in times of flooding (even when debris is present).
 - General policy considerations were discussed:
 - DEP notes that "unrestricted hydraulic connection" (akin to that required for BVW replacement in 10.55(4)) must be provided for all areas serving as flood storage.
 - The Commission would like to allow the 116 Upland Ave. owner (and others in similar situations) to provide safety.
 - The Commission prefers to have no skirting.

- It is the applicant's duty to prove that any proposed skirting will not restrict the hydraulic connection.
- Any skirting must have an even distribution of at least 50% open space.
- Skirting may not block the flow of water at any elevation within the flood zone.
- Skirting may not be of a nature that is likely to trap debris.
- Skirting that may be considered by the Commission for approval includes, but is not limited to:
 - Shrubs planted at grade.
 - Wire cables spaced at least 1" apart.
 - Wire mesh with large holes (e.g., at least 1" on each side).
 - Wooden lattice with large holes (e.g., at least 1" on each side).
 - Narrow vertical lath with large gaps (e.g., lath no more than 4" in width spaced at least 1" apart).

13. Minutes of 8/27/20 to be approved

- Documents Presented: Draft Minutes
- Vote: To accept the 8/27/20 minutes. [Motion: Susan Lunin; Second: Judy Hepburn; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 6:0:0]

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

UPDATES

V. WETLANDS UPDATES

- 31 Buswell Park – Jerrod Pelletier – new homeowner must address failing retaining wall. Prior owner filed NOI in 2014 as a Riverfront Area project (because Hyde Brook was shown as perennial on the City GIS). Staff have since used StreamStats to determine perennality and find that Hyde Brook is not perennial in this area, rendering the entire parcel outside of ConCom jurisdiction. Staff crafted a note to the file explaining the circumstances and releasing Mr. Pelletier of any filing obligation.

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 – trails and invasive control – The contractors did another round of maintenance on 8/16/20.
 - CRP -- stairs – MAAB variance was granted! Staff are working to get the bid package out!
 - Kessler -- boardwalk and bridge – Staff are working to rewrite the bid language.
 - Webster Woods -- stairs – Construction at the mall entry drive is complete! Try them out!
 - Dolan Pond -- 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 – Work will begin once the water level is high enough.

VII. ISSUES AROUND TOWN UPDATES

- OSRP: Staff submitted the "final" OSRP to the state after incorporating the state requested edits. We await final approval.
- MassTrails Grant: Staff continue to work with DCR to get the Christina Street bridge project underway.
- DCR Lower Falls trails: DCR is planning for a trail from Two Bridges to Quinobequin and a trail along Quinobequin. Public meetings are planned for September and October. Ask Jennifer if you would like more information.

VIII. ADMINISTRATIVE MATTER UPDATES

- Interns: Staff are considering establishing a part time college co-op position to assist with office and field work more independently than the high school interns have been able.
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OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

14. 53 Wendell Rd – Minor Plan Change – DEP File #239-852

- Owner/Applicant: Ron and Karin Zalkind Representative: Cristina Campa, Cristina Campa Landscape Architecture Inc.
 - Request: Approve minor plan change.
 - Documents Presented: Colored plans, site photos
 - Jurisdiction: BLSF, City Flood Zone
 - Presentation (Cristina Campa) and Discussion:
 - Note: This item was taken out of order and discussed prior guidelines for construction in floodplain.
 - The applicant's representative provided a summary of the changes proposed, including that the reasoning for the changes, namely, cost-savings, decreasing density near the pool, providing soft and walkable area around the pool, and moving the trees back to allow more sun in and to reduce debris in the pool.
-

- The proposed change in plantings within jurisdiction was a reduction of roughly 25 shrubs (from 55 to 33), a significant reduction in groundcover, and an additional 1 tree (required through admin approval for dying tree removal approved at pre-con site visit).
- Staff expressed concerns about pushing back the tree line from the pool, thereby minimizing the mitigation area and allowing for future conversion of the fescue to a more traditional mowed lawn, rather than a natural wooded oasis, as originally proposed.
- Commissioners had concerns about approving such a drastic diminution of the approved mitigation (particularly since it was within a year of the project having been approved), but acknowledged that the approved planting plan was extremely dense. The Commission stated that they would consider a reduction in number of plants if it maintained the wildlife habitat area and values.
- Commissioners suggested pushing back only the middle birch to increase “openness” around the pool.
- **Consensus:** The current proposed changes are too significant to be approved of through a minor plan change. The applicant will come back to the 10/8/20 meeting with a revised minor plan change request. Based on the amount of discussion, staff felt that an administrative minor plan change approval was likely out of the question.

15. 56 North Street – COC Re-sign – teardown/rebuild SFH – DEP File #239-760

- **Owner/Applicant:** Tramy and Sinclair Lao **Representative:** none
- **Request:** Issue re-signed COC.
- **Jurisdiction:** Riverfront Area
- **Presentation:** Applicant did not receive the COC signed at the 8/27/20 meeting, sent in the mail, and has requested a re-signed COC for recording.
- **Vote:** To issue a re-signed Certificate of Compliance. [Motion: Susan Lunin; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 6:0:0]

16. 180 Elgin Street – informal discussion – request to remove Norway Maple trees from Webster Conservation Area

- **Owner:** Rory Altman/City of Newton
- **Request:** Determine if the Commission would consider a proposal to undertake invasive tree removal in Webster C.A.
- **Presentation:**
 - Staff provided the background. Rory Altman would like to honor his wife’s birthday request to remove Norway Maples on their property and the adjacent area of Webster Conservation Area.
 - The Commission was apprehensive to give approval without a clearer plan of what is being proposed and so they can see how it will impact the canopy and the understory. They felt that it was possible that some mature trees should be kept to avoid too much openness.
- **Consensus:** Staff will request a more detailed plan from homeowner.

ADJOURN

[Motion: Leigh Gilligan; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Zabel (aye), Cade (aye), Green (aye), Lunin (aye); Vote 6:0:0]