

CONSERVATION COMMISSION AGENDA

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, June 11, 2020 at 6:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the June 11, 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. **Houghton Garden Conservation Area – NOI – hydro-raking and associated site work – DEP File #239-868**
 - Owner/Applicant: City of Newton Conservation Commission Representative: none
 - Request: Issue OOC.
2. **55 Bernard Street – Enforcement Order – unpermitted work in Riverfront Area and Flood Zone**
 - Owner: Jim Corsi
 - Request: Issue an Enforcement Order.

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



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Chief
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Claire Rundelli

**Conservation
Commission
Members**
Kathy Cade
Dan Green
Judy Hepburn
Ellen Katz
Susan Lunin
Jeff Zabel
Leigh Gilligan

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

I. WETLANDS DECISIONS

1. Houghton Garden Conservation Area – NOI – hydro-raking and associated site work – DEP File #239-868

- Owner/Applicant: City of Newton Conservation Commission Representative: none
- Request: Issue OOC.
- Documents Presented: Plan, Hanss scope of work, site photos, draft OOC
- Jurisdiction: Bank, City Floodplain, Land Under Wetlands and Waterways (LUWW), Riverfront Area, Buffer Zone
- Performance Standards – this project is filed as a Limited Project for the hydro-raking operations, essentially seeking waivers from the standard performance standards for Bank and Land Under Wetlands and Waterbodies because of the project's anticipated overall ecological improvement. The trail work should be reviewed as work in Riverfront Area and City Flood Zone.
- **Limited Project:** 10.53(4)(e)(5) Other Ecological Restoration project
(4) Ecological Restoration Limited Projects.
 - (a) Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 10.54 through 10.58, and 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:
 - 1. the Issuing Authority determines that the project is an Ecological Restoration Project as defined in 310 CMR 10.04;
 - 2. the project will [not] impact ... State-listed Rare Wetlands Wildlife ...
 - 3. the project will be carried out in accordance with any time of year restrictions or other conditions ...
 - 4. the project [doesn't] involves the dredging of 100 cubic yards ...
 - (b) ... may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.
 - (c) ... exempt from the requirement to perform a wildlife habitat evaluation ...
 - (d) ... the issuing authority shall consider the following:
 - 1. the condition of existing and historic coastal Resource Areas ...
 - 2. the magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40; and
 - 3. the magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas ... and the extent to which the applicant will: avoid ... minimize and utilize best management practices.
 - (e) Types of Ecological Restoration Limited Projects.
 - 5. Other Restoration Projects ... that will improve the natural capacity of a Resource Area(s) to protect the interests identified in M.G.L. c. 131, § 40



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- **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.

- **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**

(b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.

(b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:

- a) Any building or structure for which compensatory storage is provided ...

- **Project Summary**

- Hydro-rake the pond.
- Use a mini-excavator to hydro-rake the larger inflowing streams and outfall plunge pools.
- Hand rake the two inflowing streams.
- Dispose of hydro-raked material at the corner of Suffolk/Lowell and near the MBTA tracks; loam and seed with woody/vegetative seed mix.
- Restore the main entrance's accessible stone dust trail and the western wood chip trail to the weir/outlet.
- Create a new accessible trail surface parallel to the southerly influent stream to fix damage from mini-excavator.
- The required solicitations for hydroraking contractors have been issued and only one quote was received – from Solitude. Paperwork to get a contract in place with the recommended contractor has been submitted to Purchasing.
- Community members have raised funds and have an agreement with Bob Hanss, a local professional landscaper, to do the associated work of site preparation and restoration as well as stream cleaning where the hydro-rake can't reach and trail improvements. The Newton Conservators have agreed to hold the community donations and oversee the contract with Bob Hanss. Robert Hanss has submitted a detailed scope of work. Staff has drafted a license agreement that will allow Bob Hanss to work on City land.

- **Staff Notes on permitting:**

- **Project Summary**

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- Use a mini-excavator to hydro-rake the larger inflowing streams and outfall plunge pools.
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The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

oversee the contract with Bob Hanss. Robert Hanss has submitted a detailed scope of work. Staff has drafted a license agreement that will allow Bob Hanss to work on City land.

- Staff Notes on permitting:
 - Limited Project: 310 CMR 10.53(4)(d)(2)
 - Hydro-raking and hand raking -- qualify as a Limited Project: The Commission finds that “the magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40” outweighs the temporary disturbance to Bank and to the trails and the spoils disposal areas in Riverfront Area. Site protection measures will be employed (e.g., matting, erosion controls, etc.). Disturbance to the ecology and hydrology of the site will be minimal and temporary in nature. Restored flow and plantings will create overall site improvements.
 - Restoration/disposal) area -- qualify as a Limited Project: One of the two spoil disposal areas is within wetland jurisdiction. It is an area recently subject to significant tree cutting by the MBTA and is in need of understory restoration. Augmenting the area with rich organics and planting and seeding will hasten recovery of the area.
 - Buffer Zone: 301 CMR 10.53(1) and Riverfront Area: Riverfront Area: 10.58(4)
 - Trail restoration work will not expand the existing footprint of the trail; rather it will reestablish a narrower foot tread with stone dust and restore the trampled trail edges where pedestrians walked to avoid the muddy trail.
 - Extension of the accessible stone dust surface will simply change existing “dirt” footbed to stone dust to help meet the City’s goal of enhanced accessibility in Conservation parcels where conditions allow.
 - City Flood Zone: Stone dust will be spread to enhance historic trails that have sunk over the years and so have been subject to flooding and muddying. The hydro-raking should alleviate the flooding; stone dust application will alleviate the muddy conditions and is considered routine trail maintenance to maintain safety.
 - Stormwater Management Standards have been met by not altering any of the land cover types.
- Staff Recommendation: Vote to close the hearing and issue an Order of Conditions for the proposed hydro-raking and associated site and trail work.
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2. 55 Bernard Street – Enforcement Order – unpermitted work in Riverfront Area and Flood Zone

- Owner: Jim Corsi
- Request: Issue an Enforcement Order.
- Documents Presented: Administrative Approval plan, Draft EO
- Jurisdiction: Riverfront Area, Bordering Land Subject to Flooding
- Project Summary: Owner/developer proceeded with work without written permission or permits.
- Staff Notes: Staff met with owner last year and provided feedback on owner’s intentions for site improvements. Owner proceeded with that work without a permit. The owner did secure a tree removal permit but exceeded it and intends to plant more trees as a result. Staff has issued a verbal cease and desist and has informed the owner that he must submit a complete plan indicating trees that have been removed and plantings intended, along with intended site stabilization. Staff also noted that stockpiled wood chips and loam in Flood Zone will need to be removed. Erosion controls will be necessary.
- Staff Recommendations: Vote to issue an Enforcement Order requiring a Notice of Intent be filed.

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

Houghton Pond Improvement Project -- Overview

Prepared by Newton Conservation Staff, last revised 6/1/20

Wetland Resources

- 200- foot Riverfront
- 100-foot Buffer Zone

Hydroraking (\$24,999)

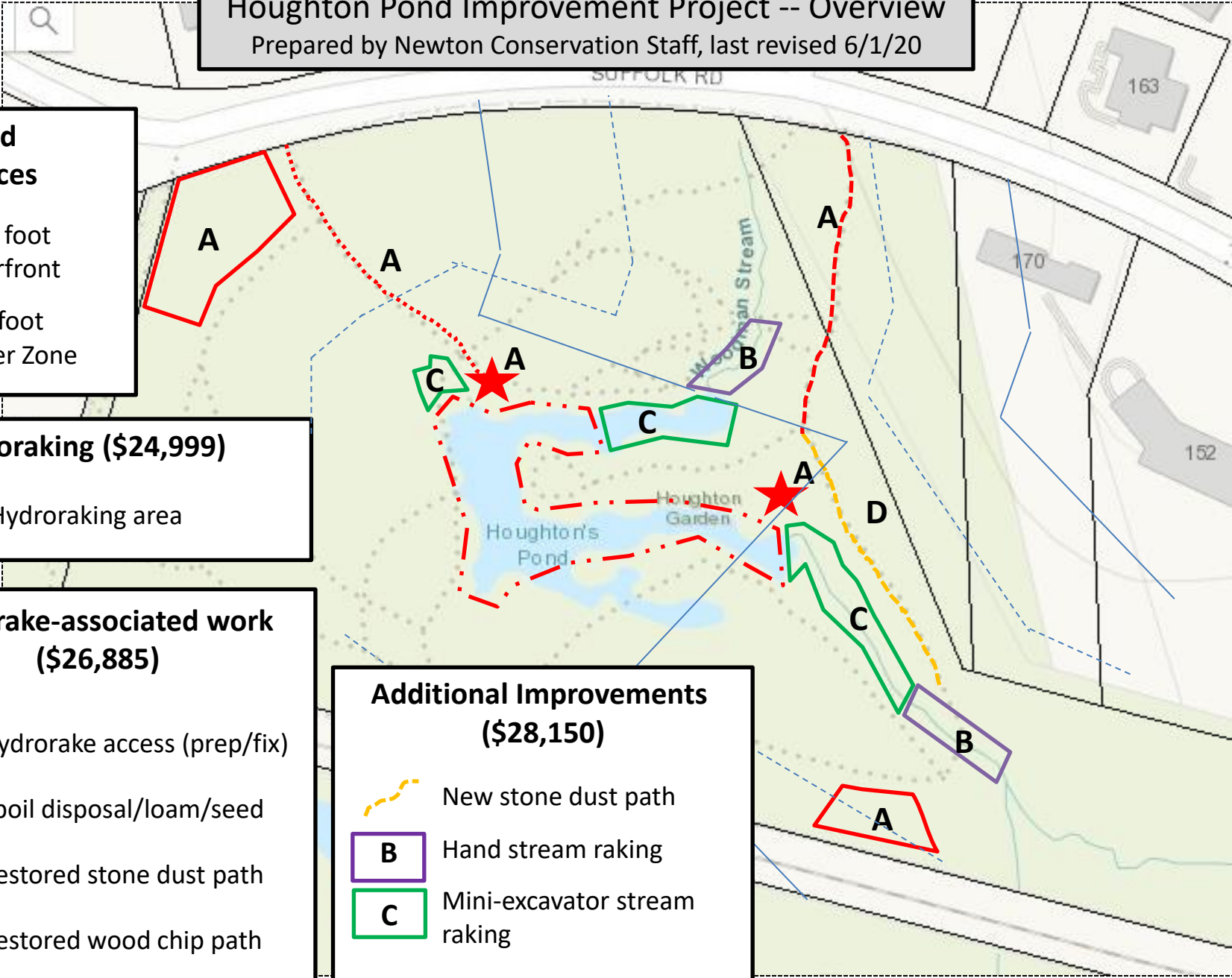
- Hydroraking area

Hydrorake-associated work (\$26,885)

- Hydrorake access (prep/fix)
- A** Spoil disposal/loam/seed
- Restored stone dust path
- Restored wood chip path

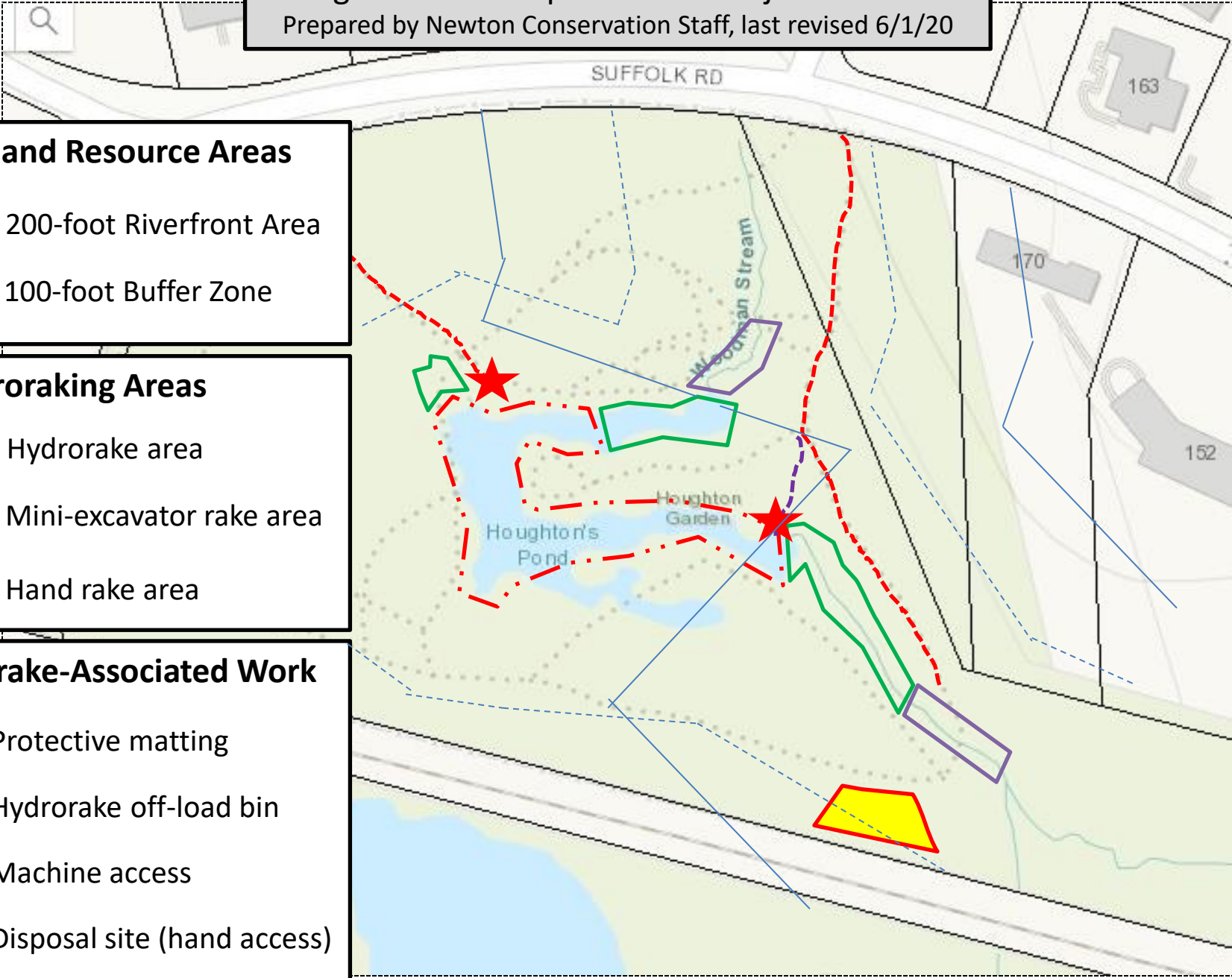
Additional Improvements (\$28,150)

- New stone dust path
- B** Hand stream raking
- C** Mini-excavator stream raking



Houghton Pond Improvement Project – Process

Prepared by Newton Conservation Staff, last revised 6/1/20



Wetland Resource Areas

- 200-foot Riverfront Area
- 100-foot Buffer Zone

Hydroraking Areas

- Hydrorake area
- Mini-excavator rake area
- Hand rake area

Hydrorake-Associated Work

- Protective matting
- Hydrorake off-load bin
- Machine access
- Disposal site (hand access)

Houghton Pond Improvement Project

Project Narrative

Summary

From 1906-1940 Mr. and Mrs. Clement Houghton created a garden adjacent to their home at 152 Suffolk Road in Chestnut Hill. The stream and lagoon-like pond water features were designed by Warren Manning, who formerly worked for the Olmsted studio. Houghton Pond, was created as the focal point for Martha Houghton's estate garden. In 1999 the garden was listed in the National Register of Historic Places. In 2000, the garden and trails were rehabilitated, but no work was done to restore the streams or pond. The Newton Conservation Commission has an obligation to maintain the historic garden, streams, and pond.

Over the last hundred years, Houghton Pond has become ever more severely overburdened by accumulated organic material and nuisance aquatic plants. The accumulation of organic material has led to an ever shallower pond with stagnant, low-oxygen conditions. As the pond and streams' volume has declined, flooding of the adjacent trails has worsened, causing significant damage and degradation as walkers trample off trail vegetation in an effort to avoid flooded or muddy areas.

The goals of the project are to:

- Restore pond volume
- Restore open water habitat
- Restore stream flow capacity
- Restore through flow and so improve oxygenation
- Revegetate two areas that are currently devoid of understory vegetation
- Restore damaged trails

The proposed project at Houghton Pond within the Houghton Garden Conservation Area involves:

- Site preparation for hydro-raking (i.e. swamp map installation, tree protection, erosion controls for disposal area, etc.)
- Hydro-raking accumulated organics from roughly 10,000 s.f. of Houghton Pond
- Site restoration post hydro-raking (i.e., removal of swamp mats and seeding/planting) and trail restoration (replacement of stone dust and wood chip surfaces disturbed by hydro-raking equipment)
- Stream cleaning with mini-excavator and hand labor to remove accumulated organics from roughly 1480 s.f. of stream
- 375-foot extension of stone dust trail to improve handicapped accessibility

5/18/20

Site Preparation

The Newton Conservation Commission will work with neighbors to secure an experienced landscape contractor to facilitate site preparation and restoration through a license agreement.

Several steps will be taken in preparation for the hydro-raking.

1. The installation of swamp mats in the two locations where they hydro-rake will approach and enter the pond (shown on the plan with red stars) to protect tree roots and create a landing pad.
2. The removal of 2-3 sections of the existing metal fence along Suffolk Road to allow machine access to the disposal site. These panels will be reinstalled upon project completion.
3. The installation of ~400 l.f. of siltation control around the northern disposal area.
4. The removal of 1 small ailing tree (6" in diameter) to facilitate disposal and restoration.

Hydro-raking

The mechanical hydro-rake is a paddle wheel driven barge with a rake attached which "rakes" the upper layer of collected organic matter and loosely rooted plants. The machine works from the water, which avoids damage to the sensitive shoreline.

Hydro-raked materials (spoils) will be dumped into a bin to drain, then transported by a small truck to an erosion-control-protected disposal site in the northwest corner of the parcel outside the Riverfront Area, where it will be spread and allowed to further dewater before it is loamed and seeded. The disposal area is currently devoid of understory plants, so it will be fine graded, topped with loam, and seeded with a seed mix native herbaceous and shrub species to encourage healthy forest regeneration.

The Newton Conservation Commission will secure an experienced contractor to perform hydro-raking activities in the pond, covering roughly 10,000 s.f. and an experienced landscape contractor to facilitate site preparation and clean-up.

Hydro-raked materials will be transported from the two access points to the northern disposal area by a small truck.

Site Restoration

Site restoration after the hydro-raking is complete will include several steps.

1. Grading of the disposed material
2. Capping the disposed material with 15 c.y. (spread to a depth of 4") screened loam.
3. Seeding of the disposal area with New England Roadside Matrix Wet Meadow Seed Mix (see detail below).

NEW ENGLAND ROADSIDE MATRIX WET MEADOW SEED MIX SPECIES:

5/18/20

Grasses: River bank Wild Rye (*Elymus riparius*), Red Fescue (*Festuca rubra*), Switch Grass (*Panicum virgatum*), Blunt Broom Sedge (*Carex scoparia*), Smooth Panic Grass (*Panicum dichotomiflorum*), Lurid Sedge (*Carex lurida*), Green Bulrush (*Scirpus atrovirens*)

Wildflowers: Blue Vervain (*Verbena hastata*), Nodding Bur Marigold (*Bidens cernua*), Spotted Joe Pye Weed (*Eupatorium maculatum*), Zigzag Aster (*Aster prenanthoides*/*Symphotrichum prenanthoide*), Hollow-Stem Joe Pye Weed (*Eupatorium fistulosum*/*Eutrochium fistulosum*)

Shrubs: Elderberry (*Sambucus canadensis*), Silky Dogwood (*Cornus amomum*), Arrow Wood (*Viburnum dentatum*)

4. Re-dressing the two impacted trails with wood chips and stone dust as appropriate.

Stream Cleaning

To remove the accumulated leaves and sticks from the narrowest parts of the Houghton Pond/the influent streams/the plunge pool at the mouth of the outflow culvert, which are too shallow and narrow for the hydro-raking to access, two methods of removal are proposed.

Machine raking – where stream is 10-4' wide

The landscape contractor will operate a mini excavator with a rake bucket to remove organic material from the stream channels. Spoils will be transported via a skid steer to the southern disposal site.

Hand Excavation – where stream is ~4' wide

In areas where the stream is roughly 4' wide, workers will hand rake organic material from the stream and put them in a bin that the skid steer can transport to the southern disposal site.

Accessible Trail Extension

When the trail adjacent to the stream cleaning work is rehabilitated after the stream cleaning is complete, the contractor will install 375' of stone dust path (6' wide and 6" deep) to allow full ADA access to the historic stone bridge. No excavation is proposed for the accessible trail extension in order to protect the roots of the existing mature vegetation.

1. Area of trail will be cleared of surface debris (i.e., branches, leaf litter).
2. Geotextile fabric will be placed to stabilize walkway surfacing in the dimension listed above.
3. 6" of process gravel base that will allow appropriate drainage will be installed on top of the geotextile fabric.
4. A topcoat of stone dust will be spread on top of the gravel base, providing a smooth, firm, level surface.

Wetland Protection Act Performance Standards

10.53(4)(e)(5) Other Ecological Restoration Project (emphasis added)

5. Other Restoration Projects. An Ecological Restoration Project that is not listed in 310 CMR 10.54(4)(e)2. through 4., that will improve the natural capacity of a Resource Area(s) to protect the interests identified in M.G.L. c. 131, § 40, may be permitted as an Ecological Restoration Limited Project provided that the project meets the eligibility criteria set forth in 310 CMR 10.54(4)(a) though (d). Such projects include, but are not limited to, the restoration, enhancement or management of Rare Species habitat, the restoration of hydrologic and habitat connectivity, the removal of aquatic nuisance vegetation to retard pond and lake eutrophication, the thinning or planting of vegetation to improve habitat value, riparian corridor re-naturalization, river floodplain reconnection, in-stream habitat enhancement, fill removal and regrading, flow restoration, and the installation of fish passage structures.

10.53(4) Ecological Restoration Limited Projects.

(a) Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 10.54 through 10.58, and 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:

1. the Issuing Authority determines that the project is an Ecological Restoration Project as defined in 310 CMR 10.04;
2. the project will [not] impact ... State-listed Rare Wetlands Wildlife ...

This project is outside rare species habitat and areas of critical environmental concern.

3. the project will be carried out in accordance with any time of year restrictions or other conditions ...

This project will be carried out in a manner which least disturbs local wildlife. Macrofauna will be seined and replaced in the pond immediately.

4. the project [doesn't] involves the dredging of 100 cubic yards ...

This project does not include any dredging.

(b) ... may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.

This project will not permanently alter or convert any wetland resource areas.

(c) ... exempt from the requirement to perform a wildlife habitat evaluation ... in accordance with ... 310 CMR 10.60 ...

This application includes Appendix A not a wildlife habitat evaluation under 10.60.

(d) ... the issuing authority shall consider the following:

1. the condition of existing and historic coastal Resource Areas ...

5/18/20

This project is not a coastal project, however, this project will restore the historic character of an historic inland resource area. Houghton Garden is cited in the National Register of Historic Places and this project will alleviate the continual flooding of the trails in the surrounding historic garden.

The accumulated organic material and nuisance aquatic vegetation have severely reduced open water conditions and so the pond no longer provides the wildlife habitat values of a pond. The accumulated organic material and nuisance aquatic vegetation have severely reduced the streams' carrying capacity. The accumulated organic material and nuisance aquatic vegetation have covered over much of the mouth to the outflow culvert.

2. the magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40; and

The decomposing organic material and nuisance aquatic vegetation have created conditions which are no longer in keeping with the wildlife value provided by a pond and healthy streams.

3. the magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas ... and the extent to which the applicant will: avoid ... minimize and utilize best management practices.

It is the intention of the Newton Conservation Commission to minimize all negative impacts on the resource areas and for all contractors to apply best management practices to the approved services.

	Houghton Garden Work to be Undertaken by Robert Hanss, Inc., in 2020 [05-26-20]	
See map for work areas	Work Description	Cost
Part A	Site work needed to complement the hydro-raking work which will be done by another contractor in close coordination. This work involves preparation work to protect existing trees and stabilize landing areas as well as to restore the Garden paths affected by the work, including restoring the point of wheelchair access to the Pond and the path to reach it from the east entrance to the Garden.	\$26,885
	Site preparation before hydro-raking - Subtotal	\$6,460
	Provide and install swamp mats for access to the stream section of work.	
	Provide and install wood chips and 4' x 8' mats to protect tree roots and create pad at the dam	
	Remove and reinstall 2 to 3 sections of fencing to allow truck access to spoil area.	
	Remove several trees to create access and provide open dumping area	
	Install 400 lf of siltation control	
	Associated work with special machinery - Subtotal	\$13,750
	Provide mini-excavator and 6 wheel dump truck to handle materials with hydro-raking contractor	
	Load, truck and spread 300 cy of materials - 10 days @ 1,375 per day	
	Site restoration after hydro-raking - Subtotal	\$6,675
	Grade off spoils and seed with a native woodland seed mix	
	Add stonedust to disturbed stonedust paths - 10 cy	
	Add woodchips to woodland paths - 35 cy	
	Furnish and spread 15 cy of screened loam at 4" depth to cap the spoil area before seeding with the intent to reduce the odor from the decomposition process.	
Part B	Hand Excavation in Stream Bed - Excavate organic materials by hand from the stream bed at the rear of the garden including near the 2 culverts and the heavily vegetated banks. The stream is about 4' wide in this area. All spoils to be spread adjacent to the rear property line as directed by Ms. Steel. In addition hand excavation will occur at the end of the granite channel from Suffolk Rd and adjacent to the rock garden where neither the hydro rake nor excavator can access. 3 workers x 4 days	\$7,180
Part C	Machine Excavation in Stream Bed - Excavate organic material from the stream channel as the stream widens to 8' and up to the pinch point where the hydro rake cannot access. Work areas also include the 2 pools either side of the stone bridge as the water exits the Garden. We will use a mini-excavator loading the materials directly on to a dump truck and a laborer to clean out tighter areas. Spoils will be dumped at the NW corner of the Garden. Machines and labor x 4 days	\$10,775
Part D	New Pedestrian Paths - Install a new path from the end of the island path to the bridge in the SE corner. Approximately 375' long x 6' wide x 6" deep. No excavation should occur to prevent root damage. A geotextile fabric will be placed on top of existing materials to stabilize the walkway gravel. Install 6" of a processed gravel base that will also allow water to move thru it from one side to the other. Furnish and spread a surface coat of stonedust. 75 tons of materials and all necessary machines and labor for 2 days.	\$10,195
Payments	Work will be billed at the completion of each part A, B, C, or D. Payment to be made within 30 days after the certifications 1 and 2 below.	TOTAL = \$55,035
	1. Each bill will be certified to the director or Treasurer of the Newton Conservators by John Grandin, Ken Lyons, or another agreed representative of the Chestnut Hill Association that the work is complete.	
	2. In addition, Jennifer Steel or her designee will certify that the work was done in compliance with the Conservation Commission's Order of Conditions and License agreement.	

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-868, Houghton Pond Improvement Project

Findings (considered as and given equal status as special conditions)

Site: 0 Suffolk Road (Houghton Garden Conservation Area)
Owner/Applicant: Newton Conservation Commission
1000 Commonwealth Ave., Newton MA 02459
617-796-1134 jsteel@newtonma.gov
Representative: same
Date of Issuance: June 12, 2020
Existing Conditions: Impounded streams that form Houghton Pond, surrounding footpaths, and natural areas in Houghton Garden Conservation Area

Approved Project Summary:

- Hydro-rake Houghton Pond to remove accumulated organic matter.
- Dispose of hydro-raked material at the corner of Suffolk/Lowell; loam and seed with woody/vegetative seed mix.
- Restore the main entrance's accessible stone dust trail and the western wood chip trail to the weir/outlet.
- Hand rake the two inflowing streams to remove accumulated organic matter.
- Use mini-excavator to hydro-rake the influent streams and outfall plunge pool to remove accumulated organic matter.
- Create a new accessible trail surface parallel to the southerly influent stream to fix damage from mini-excavator

Final Approved Plans

- "Houghton Pond Improvement Project" plans, 2 sheets, prepared by Newton Conservation Office, 6/1/20.
- "Services Contract – Schedule A: Mechanical Services" from SOLitude Lake Management, dated May 29, 4 pages.
- "Houghton Garden Work to be Undertaken by Robert Hanss, Inc., in 2020 [05-26-20]" detailed scope of work.

Plan Revisions

- Any required or desired deviations from this plan shall be requested in writing of the Commission Office, who shall determine if said changes require filing a new Notice of Intent.
- When plans are updated it is the responsibility of the applicant to provide all City Departments involved in the permitting and approval process complete and consistent plans.
- The Newton Conservation Commission retains the right to require the submittal of additional information or impose additional conditions deemed necessary to ensure the protection of wetland resource areas.

Jurisdiction

- Limited Project: 310 CMR 10.53(4)(d)(2)
- Buffer Zone: 301 CMR 10.53(1)
- Riverfront Area: Riverfront Area: 10.58(4)

Reasons for Approval (Impact Analysis)

- Limited Project: 310 CMR 10.53(4)(d)(2)
 - Hydro-raking and hand raking -- qualify as a Limited Project: The Commission finds that "the magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40" outweighs the temporary disturbance to Bank and to the trails and the spoils disposal areas in Riverfront Area. Site protection measures will be employed (e.g., matting, erosion controls, etc.). Disturbance to the ecology and hydrology of the site will be minimal and temporary in nature. Restored flow and plantings will create overall site improvements.
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- Buffer Zone: 301 CMR 10.53(1) and Riverfront Area: Riverfront Area: 10.58(4)
 - Trail restoration work will not expand the existing footprint of the trail; rather it will reestablish a narrower foot tread with stone dust and restore the trampled trail edges where pedestrians walked to avoid muddy areas.
 - Extension of the accessible stone dust surface will simply change existing "dirt" footbed to stone dust to help meet the City's goal of enhanced accessibility in Conservation parcels where conditions allow.

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-868, Houghton Pond Improvement Project

- City Flood Zone: Stone dust will be spread to enhance historic trails that have sunk over the years and so have been subject to flooding and muddying. The hydro-raking should alleviate the flooding; stone dust application will alleviate the muddy conditions and is considered routine trail maintenance to maintain safety.
- Stormwater Management Standards have been met by not altering any of the land cover types.

In case of emergencies, problems, or questions, contact: Jennifer Steel: 617-796-1134.

Conditions Prior to the Start of Work

21. All other applicable federal, state and/or local permits and/or approvals must be obtained.
22. This document shall be included in all construction contracts, subcontracts, and specifications associated with the proposed work and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors and personnel performing the permitted work are aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.
21. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review:
 - a. Proof of Recording the Order and the Operations and Maintenance Plan appended hereto
 - b. Contact information for those responsible for construction, sediment controls, and landscaping
 - c. Anticipated timeline
 - d. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - e. Sedimentation/erosion controls (properly installed in the correct locations)
22. Notice shall be given to the Conservation Commission at least two business days prior to the start of work.

Conditions During Work

23. A copy of the approved plans and Order of Conditions shall be on-site and available at all times. All contractors must adhere to the approved plan and conditions. Should any damage occur during the project, the applicant or any successor shall be responsible for the full cost of restoration of the wetland to the satisfaction of the Commission.
24. Erosion controls shall be installed around the spoil disposal sites until the area is stable. Erosion control barriers shall be biodegradable compost sock or the equivalent.
25. "Good housekeeping practices" shall be implemented at all times, including:
 - a. appropriate limits to stormwater discharges
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
26. During the construction period and prior to issuance of a Certificate of Compliance, members and agents of the Conservation Commission shall have the right to inspect the applicant's project to evaluate compliance with the approved plans and these conditions.
27. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.
28. Access for the hydrorake shall be through the main gates off Suffolk Road.
29. Protective mats shall be installed between the trails and the launch/off-load locations.
30. All hydro-raked material shall be deposited in a bin at the off-load area for initial dewatering.
31. All mini-excavator and hand raked materials shall be deposited into a skid-steer truck for transport to the disposal/restoration sites.
32. Disposal/restoration areas:
 - a. shall nowhere exceed 1.5' in height
 - b. shall be feathered to meet native grade,
 - c. shall be finish graded, treated with lye for odor, and topped with loam as soon as is practical.
33. Seeding of the disposal/restoration area within Commission jurisdiction must stabilize all spoil material and result in 75 % total area coverage after 2 growing seasons.

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34. Native shrubs may be added to the restoration areas upon approval of Conservation staff.
35. Stone dust and wood chip trail treads shall be restored or created to 3-6 feet wide.

Conditions after Work has been Completed

36. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
 - a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - c. A written statement from the hydro-rake contractors certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - d. A letter from the landscaper certifying compliance with the approved restoration area plans.

Perpetual Conditions that Shall Not Expire upon the Issuance of a Certificate of Compliance - none



A. Violation Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Newton 6/11/20
 Conservation Commission (Issuing Authority) Date

To:

Jim Corsi
 Name of Violator
55 Bernard Street
 Address

1. Location of Violation:

Jim Corsi
 Property Owner (if different)
55 Bernard Street
 Street Address
Newton 02461
 City/Town Zip Code
83031 0011
 Assessors Map/Plat Number Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Tree and shrub cutting in Riverfront Area and Flood Zone without a permit. Many trees (some dead, some small) and all shrubs, vines, and groundcovering vegetation were removed throughout the RFA (20,500 sf) and FZ. Piles of loam and wood chips have been stockpiled in the RFA and FZ.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____ Dated _____

File Number _____ Condition number(s) _____

The Order of Conditions expired on (date): _____ Date _____

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before June 30, 2020
 Date

for the following:

- (1) Removal of fill from Flood Zone, (2) clear characterization of unpermitted cutting, and (3) proposed restoration plantings.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



C. Order (cont.)

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:
 June 30, 2020
 Date

for the following:

- (1) Removal of fill from Flood Zone, (2) clear characterization of unpermitted cutting, and (3) proposed restoration plantings.

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:
 Install erosion controls along the river bank.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Jennifer Steel

Name

617-796-1134

Phone Number

M-F 7:00-3:00

Hours/Days Available

Issued by:

Newton

Conservation Commission

Conservation Commission signatures required on following page.



D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

_____	_____
_____	_____
_____	_____
_____	_____

Signature of delivery person or certified mail number