

CONSERVATION COMMISSION AGENDA

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, June 25, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the June 25, 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. **330 Homer Street – NOI – parking lot solar canopy – DEP File #239-XXX**
 - Owner/Applicant: Bill Ferguson, City of Newton Co-Director of Sustainability
 - Representative: Stephen Herzog, Wood Massachusetts, Inc.
 - Request: Issue OOC.
2. **2345 Commonwealth Avenue – Notice of Intent – relocation of aboveground propane tank – DEP File #239-XXX**
 - Owner: CHSP Newton LLC Applicant: Andrew Shelby, Boston Gas Company
 - Representative: Amanda Houle, Tighe & Bond, Inc.
 - Request: Issue OOC.
3. **Dunstan St/Washington St/Kempton Place – NOI (continued) – Dunstan East Mixed-Use 40B Development – DEP File #239-867**
 - Owner/Applicant: Robert Korff, Mark Development, LLC Representative: Christopher Wagner, VHB, Inc.
 - Request: Issue OOC.
4. **791 Walnut Street – NOI (continued) – ecological restoration – DEP File #239-864**
 - Owner: Newton Cemetery Corporation (NCC) Applicant: Mary Ann Buras, NCC
 - Representative: Michael DeRosa, DeRosa Environmental Consulting, Inc.
 - Request: Issue OOC.
5. **62 Carlton Road – OOC Amendment Request – lawn extension with associated grading, retaining walls, and plantings – DEP File #239-836**
 - Owner/Applicant: Hillcrest Development Representative: John Rockwood, EcoTec, Inc.
 - Request: Issue OOC amendment.
6. **31 Harwich Road – Informal Discussion – proposed bound lowering**
 - Owner: Hisham Kader
7. **78 Fessenden Street – Informal Discussion – Site Compliance Issues**
 - Owner: Jessica and Karl Roche sold to _____
8. **210 Upland Avenue – Notice of Intent – proposed retaining wall – DEP File #239-XXX**
 - Owner/Applicant: Matthew Border Representative: Karon Skinner Catrone
 - Request: Continue hearing to 8/6/20.
9. **35 Wayne Road (fka 33 Wayne Rd) – COC – teardown/rebuild single-family home – DEP File #239-811**
 - Owner/Applicant: Carmine Pretruziello Representative: none
 - Request: Issue COC.

II. CONSERVATION AREA 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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III. ADMINISTRATIVE DECISIONS

10. Minutes of 6/4/20 and 6/11/20 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

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

DECISIONS

I. WETLANDS DECISIONS

1. 330 Homer Street – NOI – parking lot solar canopy – **DEP File #239-XXX**

- Owner/Applicant: Bill Ferguson, City of Newton Co-Director of Sustainability
- Representative: Stephen Herzog, Wood Massachusetts, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone
- Performance Standards: 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:
 - This project proposes the construction of solar canopies over the existing library parking lot. The work will be performed in the following general sequence:
 - Install temporary erosion/ sediment controls;
 - Establish staging and laydown area;
 - Remove landscaped islands and trees within islands and pave over the islands;
 - Install canopy foundation posts; and
 - Install canopies and electrical connection.
 - This NOI is for the first part of a two-part library parking lot redevelopment. A second NOI will be submitted for the second part of the project to address parking lot renovation explicitly for the purposes of improving stormwater management, adding parking spaces, and improving traffic flow and safety. The Department of Public Works will consider options such as stormwater drainage infiltration systems, pervious pavement, and vegetative plantings for improved stormwater management.
- Staff Notes:
 - This project will result in the removal of 4-5 trees and many shrub and an increase in impervious area in the buffer zone. The trees are small and in poor health; the shrubs are Winged-euonymus.
 - This project will transplant 5 trees on the Library site.
 - The second phase of the project will incorporate extensive tree planting and increases in pervious areas through, potentially, the installation of pervious pavement.
- Staff Recommendation: Vote to close the hearing and issue an OOC with the following special conditions.
 - **XX**



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2. **2345 Commonwealth Avenue – Notice of Intent – relocation of aboveground propane tank – DEP File #239-XXX**

- Owner: CHSP Newton LLC Applicant: Andrew Shelby, Boston Gas Company Representative: Amanda Houle, Tighe & Bond, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC amendment
- 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
 - Relocation of a 1,000-gal propane tank and the associated pouring of a 16'x6' concrete pad in the new location; and construction of a 35' long and retaining wall around the proposed new location.
 - Proposed project will result in a 139 s.f. increase in impervious area.
 - Proposed 14" wide retaining wall will range in height from 1.5' to 3' and will require the excavation of a trench for the footings.
 - Existing concrete pad for the tank is proposed to remain, but the existing tank will be removed once the propane has been transferred to the new tank.
 - Existing non-native shrubs in the proposed tank location are proposed to be removed and an in-kind number of native plantings (~9) are proposed for replacement.
- Staff Notes:
 - All proposed work is to take place within an existing landscaped bed and will likely have minimal effect on the wetland resource area.
 - Installation of native shrubs will improve wildlife habitat value. There is a real opportunity to increase native shrubs in the proposed work area as well as on the barren mulched slope adjacent to the parking lot.
 - The only concerns noted by staff based on a site visit are:
 - the concrete block wall on top of the outlet headwall northwest of the proposed tank location is in poor condition, so should not be disturbed or improvements should be incorporated in this project
 - the retaining wall between the building and the existing concrete pad is in poor shape, so continued use of the existing concrete pad may require further work.
- Staff Recommendations: Vote to issue an Order of Conditions with the following special conditions.
 - XX

3. **Dunstan St/Washington St/Kempton Pl. – NOI (cont) – Dunstan East Mixed-Use 40B Development – DEP File #239-867**

- Owner/Applicant: Robert Korff, Mark Development, LLC Representative: Christopher Wagner, VHB, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, Land Under Waterways, City Floodplain, Bank
- 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

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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.”

- **10.58(5) RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation**
 - ... work improves existing conditions.
 - Redevelopment means ... reuse of degraded or previously developed areas.
 - A previously developed riverfront area contains areas degraded prior to August 7, 1996....
 - Work to redevelop previously developed riverfront areas shall ...:
 - (a) At a minimum, work shall result in an improvement over existing conditions ...
 - (b) Stormwater management is provided according to standards
 - (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less
 - (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
 - (e) ... proposed work shall not exceed the degraded area ...except in accordance with 10.58(5)(f) or (g).
 - (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
 - (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
 - (h) The issuing authority shall include a continuing condition in the COC ...under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....
- **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) 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 ...
- **Bank: 310 CMR 10.54**
 - (a) Work on a Bank shall not impair the following:
 1. The physical stability of the Bank;
 2. The water carrying capacity of the existing channel within the Bank;
 3. Ground water and surface water quality;
 4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
 5. The capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions....Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures in 310CMR 10.60.
 6. Work on a stream crossing ...
 - (b) Structures may be permitted in or on a Bank when required to prevent flood damage, including the renovation or reconstruction (but not substantial enlargement) of such facilities, buildings and roads, ...
 - (c) No project may be permitted which will have any adverse effect on specified habitat sites of Rare Species.
- **Land Under Waterways and Waterbodies: 10.56**
 - (a) Work shall not impair the following:
 1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;
 2. Ground and surface water quality;
 3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and
 4. The capacity of said land to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide

important wildlife habitat functions. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures established under 310 CMR 10.60.

5. Work on a stream crossing

(b) The issuing authority may issue an Order to maintain or improve boat channels

(c) No project may be permitted which will have any adverse effect on rare species.

○ Project Summary

- Demolish existing large commercial buildings and remove existing pavement.
- Remove the majority of the southern stream wall, regrade the bank, and plant the slope to create a more natural stream channel. Culvert headwalls will also be reconstructed
- Construct 3 mixed use buildings (with parking under buildings) totaling roughly 426,000 s.f. and one central roadway, resulting in a proposed reduction of 13,691 s.f. of impervious area.
- Stormwater management changes include a new sand filter and changes to the existing outfall.
- Create flood storage area/green space/public space resulting in an increase in flood storage capacity of 1320.8 cubic yards.
- Construct a boardwalk along the newly naturalized Cheesecake Brook.

○ Staff Notes:

- Regulatory framework
 - Bank alteration -- 402' – significant improvement in functions and values
 - Riverfront Area alteration – 87,407 sf – significant improvement in stormwater, improvement in habitat, reduction in impervious area, etc.
 - Flood zone – net gain of 1,320 cf of storage
 - Land Under Water – stream channel will be renaturalized where grading changes occur and land under water will be expanded.
- Project will result in a number of improvements to current conditions
 - The (dilapidated) southern wall of Cheesecake Brook will be removed and a sloped, vegetated embankment will be created.
 - The current MassDOT culvert connection to Cheesecake Brook will be converted (with a plunge pool) to an angled, sinuous, vegetated channel.
 - Extra flood storage capacity (and public greenspace) is being created.
 - Impervious area is being reduced.
 - Parking is being placed under buildings, so runoff will be minimized and will be directed to City sewer.
 - Stormwater will be better treated prior to discharge to Cheesecake Brook.
- Possible ecologically detrimental aspects of the project:
 - Shading of the stream corridor
 - Artificial lighting of the stream corridor
- Many of the requested plan changes/clarifications were received from applicant.
 - Show flood zone on grading plan. Show areas of cut and areas of fill.
 - Clarify the intended character of the stream bottom after realignment occurs.
 - Show details of headwalls (velocity dissipation, trash collection, scour prevention) and stream channel.
 - Show location of proprietary water quality inlet.
 - Clarify how sand filter will not be short circuited.
 - Clarify where the two sand filters are located.
 - Clarify which catch-basins have sumps and which do not.
 - Clarify what is under the “Z-shaped” ramp (does water flow under it or is it solid?).
 - Do cut and fill calcs take into consideration 6 inches of loam?
 - Clarify location of guardrail along boardwalk (and viewing platforms).
 - Add entrenched silt fence all around site.
 - What is depth to groundwater? What is the depth of the garages?
- Issues that still need details/discussion/conditioning

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- Once plans are firm, we will need to review one clean plan set that has all appropriate plan sheets, details, and attachments (e.g., sand filters, catch-basins, boardwalk, revised O&M plan, etc.). The memo indicated that some modifications are expected.
- Will groundwater be pumped in any way, or will garage just be waterproofed? Will garage drains be pumped to sewer?
- Clarify what is under the decking -- Will it all be impermeable? How will runoff be handled?
- Clarify stairs off boardwalk – shown on an early plan.
- Clarify planting intentions: numbers and species of trees – When will these details be available?
- The Environmental Monitor should also review installation of the sand filter, headwalls, etc.
- Restoration area should be bounded, per 310 CMR 10.58(5)(h).
- Clarify how the proposed flood zone line works around the ramp and around and under Building 3 – scale of piers and apertures? Coverings?
- We need a lighting plan and photometric study to ensure that stream area is not overly lighted.
- I would like a more cross-sections of the stream bank and flood control area (showing boardwalk and wall, mats, plantings, etc.).
- Construction sequence/Methods & Means
 - Show process and mechanisms for bypass pumping/ dewatering/ESC for stream realignment
 - Show temporary detention basins.
 - Show dewatering sites.
 - Add erosion controls for wall/bank work.
- Staff Recommendation: Seek a continuation to allow the applicant team to address outstanding questions.

4. 791 Walnut Street – NOI (continued) – ecological restoration – DEP File #239-864

- Owner: Newton Cemetery Corporation (NCC) Applicant: Mary Ann Buras, NCC Representative: Michael DeRosa, DeRosa Environmental Consulting, Inc.
- Request: Issue OOC.
- Documents Presented: Plans, site photos, draft OOC
- Jurisdiction: This project was filed as a Limited Project, essentially seeking waivers from the standard performance standards because of the project’s anticipated overall ecological improvement. [Bank, Bordering Vegetative Wetlands (BVW), City Floodplain, Land Under Wetlands and Waterways (LUWW), Riverfront Area, Buffer Zone]
- Performance Standards “Limited projects are categories of activities within the existing wetlands regulations which can proceed at the discretion of the issuing authority without fully meeting the resource area performance standards.” (RFA preamble) “the types of projects covered are, by nature, important to the protection of public health, safety and/or the environment.” (Jan 1, 1994 preamble) Under the “Limited Project” type, the applicant must show that a project improves the natural capacity of a specific resource area. This includes projects proposed primarily to enhance fisheries habitat, address eutrophication, or increase dissolved oxygen or improve overall water quality in a water body. As an Ecological Restoration Limited Project, the environmental impacts are reviewed at two levels: the local Conservation Commission, which has jurisdiction under the Wetlands Protection Act and any local wetland bylaw/ordinance, and the Massachusetts Environmental Policy Act (MEPA) Unit, which has jurisdiction over state-funded or state-authorized projects of a certain size or scope.
 - **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
- Project Summary
 - NOTE: This applicant is requesting a 5-year Order of Conditions to implement an ecological restoration plan.
 - The proposed ecological restoration focuses on the management of Ponds 1-4 and the Irrigation Pond to reduce organic accumulation, reduce nutrient loading, increase water holding capacity, manage invasive aquatic plant species, improve overall water quality, and improve wildlife habitat.
 - Proposed activities are:
 - Regular site monitoring of water quality and weed growth. 2 times per month from April 15 to October 30 over the 5-year approval period, with the following thresholds:
 - If algae blooms develop during the warm season, treatment of copper-based algaecides will be applied immediately.
 - If water chestnut growth is observed, hand removal will be initiated immediately.
 - Should any of the water quality thresholds detailed in the SOLitudes memo be met, chemical treatment will be applied the same day to proactively mitigate water quality decline.
 - Year-end report on annual management efforts, observed conditions, observed efficiency, and future recommendations will be developed for each year of the approval period. Interim updates may also be requested by the Commission.
 - Hydro-raking of the 4 ponds (2.7 acres). “The objective of the hydro-raking portion of the project will be to remove the roots and tubers of nuisance vegetation within the ponds.” Applicant has proposed that during hydro-raking operations members of the cemetery staff and hydro-raking crew will separate out any turtles, fish, and macro-invertebrates that can be easily collected from the harvested material and place them back in a previously selected refuge pond. The raked material will be temporarily deposited on accessible shoreline to dewater, then trucked by the Applicant or third party to a designated permanent, upland, on-site composting/disposal location. Increases in turbidity typically settle-out to background levels within 24 hours of the completion of hydro-raking. The anticipated hydro-rake launch areas are as follows:
 - Pond 1 – the northeast corner of the pond
 - Pond 2 – the easternmost point of the pond
 - Pond 3 – craned in from a point on the road likely along the northern shoreline where feasible
 - Pond 4 – craned in from a point on the road likely along the northern shoreline where feasible
 - PAC and copper-based algaecide applications. To be applied at a threshold of 30% cover or “noticeably reduced water clarity”
 - Hand-pulling of and/or chemical treatments for water chestnut.
 - Unpermitted tree removals, unpermitted stream bank restoration, and desired tree removals and plantings will be addressed in a subsequent filing.
 - Staff Notes
 - The wetland resource area “delineations” have been corrected
 - The applicant has provided details regarding their turf management and it seems as though all best management practices are being followed in terms of reducing nutrient run-off from turf.
 - The proposals will likely result in function and habitat improvements
 - Hydroraking can be effective in restoring open water habitat
 - PAC can be effective at reducing nutrient re-cycling. Copper-based algicide can eliminate toxic blue-green algae.
 - Removal of water chestnuts is important.

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- The applicant was given administrative approval to start hand removal of water chestnut before the plant starts to drop seed. No other vegetation removal or chemical treatment was approved.
- Applicant provided clear detail on areas of water chestnut removal and clarified thresholds for other treatments proposed.
- Staff discussed Clearcast with the applicant and is convinced that when applied by hand to water chestnut rosettes, it will pose no harm to general aquatic health.
- Staff Recommendation: Vote to close the hearing and issue an Order of Conditions with the following special conditions.
 - XX

5. 62 Carlton Road – OOC Amendment Request – lawn extension with associated grading, retaining walls, and plantings – DEP File #239-836

- Owner/Applicant: Hillcrest Development Representative: John Rockwood, EcoTec, Inc.
- Request: Issue amended OOC.
- Documents Presented: Colored plans, site photos, draft OOC amendment
- Jurisdiction: Buffer Zone, City Floodplain (proposed work outside floodplain)
- 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.”
- Summary of Requested Changes
 - No changes are proposed to the house location and size, driveway location and size, wildlife corridors along the side yards, or stormwater systems.
 - The requested changes are to:
 - Lower the basement floor elevation from 142.4’ to 141.6’ (~1.5 feet), and patio elev. from 142’ to 140’.
 - Extend lawn and construct two retaining walls to accommodate the grade change and fill needed for lawn. Lower retaining wall will be 43’ from the edge of BVW.
 - The upper retaining wall is maximum of 3.5’ tall at its highest point and tapers down to 1’ at each end. The upper retaining wall is proposed to have a 4’ tall safety fence installed along it. The lower retaining wall is a maximum of 7’ tall at its highest point and tapers down to 1’ at each end.
 - Revise grading, retaining walls (outside 100’ BZ), and landscape stairs associated with lawn expansion.
 - Expanded invasive species removal on the lot.
 - Increase number of mitigation plantings by 4 saplings and 29 shrubs, bringing the project totals to 8 saplings and 96 shrubs. (Previously approved: 67 shrubs and 4 saplings).
 - The area between the two retaining walls and the disturbed areas down gradient of the lower retaining wall are proposed to be seeded with a mix of New England Wetland Plants Conservation/Wildlife Mix and Showy Wildflower Mix
- Staff Notes:
 - Below are some of the reasons for approval listed in the Order of Conditions Findings and Special Conditions.
 - Reduced retaining walls provide more naturally graded wildlife corridors on either side of the proposed single-family home
 - No work is proposed within the inner 50’ of the Buffer Zone.
 - It appears the basement floor and patio have already been constructed at the “newly proposed” elevations.
 - A deck has been added at the first-floor level that was not shown on the approved. It is technically exempt because of distance from the wetland boundary, but any plan changes are supposed to be brought before the Commission or the Conservation Office for review and approval.
 - The current condition of the expanded planting area is full of invasive species (as is the area proposed to be lawn) and staff have concerns about whether three years will be a long enough management period for the expanded area to ensure that mitigation plantings will thrive.
 - The approved plans restricted development and limited lawn in buffer zone because of Commission concerns about the effect of a retaining wall (its height and intrusion) on the wildlife habitat function/value of the wetland.

- The proposed steepness of the lawn has been revised and is now closer to a 25% grade leading to the black safety fence proposed.
- If the Commission chooses to approve this amendment request, staff feel that the some of the proposed shrub species should be swapped out for larger shrubs or more understory trees (e.g., swapping sweet fern for eastern redbud) and the proposed trees should be distributed across the lot more evenly.
- Staff Recommendation: None at this point in time.

6. 31 Harwich Road – Informal Discussion – proposed bound lowering

- Owner: Hisham Kader
- Request: Allow bound to be lowered
- Documents Presented: Site photos
- Jurisdiction: Buffer Zone, BVW, City Floodplain
- Staff Notes
 - Current bound height is roughly 6” above surface grade and is in between 2 arborvitae.
 - Homeowner wishes reduce height of bound to 3” because he believes the current height poses a safety concern for his children.
 - The wetland boundary falls less than 15’ behind the existing bounds.
- Staff Recommendation: Determine the if lowering the bound height is appropriate.

7. 78 Fessenden Street – Informal Discussion – Site Compliance Issues

- Owner: Jessica and Karl Roche recently sold the property
- Request: Issue another COC
- Documents Presented: Approved plans, site photos
- Jurisdiction: Riverfront Area
- Staff Notes
 - On June 28, 2012, the Conservation Commission approved a plan that included the creation of 865 square feet of new impervious area (addition and patio) and a 690 square foot mitigation area comprised of 18 plants
 - On October 10, 2014 the Con Com issued a CO (site photos show that mitigation plants were installed, the mitigation bed was edged with metal, and the mature trees were still there)
 - In May, a COC-resign was requested, but a site visit noted a lack of mitigation plants, loss of 2 mature trees without a permit, and significant expansion of patio.
 - Another site visit will be made to determine the state of mitigation plantings (some were reinstalled on 6/12/20) and the size and edging/bounding of the mitigation area.
- Staff Recommendation: Determine whether compliance re planting beg has been reestablished and what appropriate mitigation for the loss of the trees would be.

8. 210 Upland Avenue – Notice of Intent – proposed retaining wall – DEP File #239-XXX

- Owner/Applicant: Matthew Border Representative: Karon Skinner Catrone
- Request: Continue hearing to 8/6/20.
- Documents Presented: none
- Jurisdiction: Buffer Zone, Riverfront Area
- Staff Notes: Applicant’s representatives have requested a continuation as they start the Special Permit process, as retaining walls over 4’ in height within setbacks require a special permit.
- Staff Recommendations: Vote to continue hearing to 8/6/20.

9. 35 Wayne Road (fka 33 Wayne Rd) – COC – teardown/rebuild single-family home – DEP File #239-811

- Owner/Applicant: Carmine Pretruziello Representative: none
- Request: Issue COC.
- Jurisdiction: Buffer Zone, Riverfront Area
- Staff Notes: Staff site visit on 6/11/20 confirmed compliance. This address was formerly 33 Wayne Road.
- Staff Recommendations: Vote to issue a complete Certificate of Compliance.

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

III. ADMINISTRATIVE DECISIONS

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.

10. Minutes of 6/4/20 and 6/11/20 to be approved

- Documents Presented: draft minutes
- Staff Recommendations: Vote to accept the 6/4/20 and 6/11/20 minutes.

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

UPDATES

V. WETLANDS UPDATES

- Unrestricted hydraulic flow: Staff have been reaching out to colleagues and agencies for guidance and will provide a full update when more information is available.

VI. CONSERVATION AREA UPDATES

- COVID-19 heavy use: Trail repairs will be needed after use returns to more normal levels
- Pending projects:
 - Old Deer Park -- Maintenance contractors did their first mowing of the season two weeks ago; wood chips will be needed to keep down poison ivy etc. on the trail. Late summer opening anticipated.
 - CRP stairs – AAB variance application in the works
 - Kessler boardwalk and bridge – bid released 6/18/20
 - Webster stairs – temporary construction access permit application submitted 6/19/20
 - Dolan crusher-run – waiting on materials estimate
 - Houghton Garden hydroraking and trail work – to begin as soon as DEP approval is received and water levels are high enough

VII. ISSUES AROUND TOWN UPDATES

- OSRP: A draft incorporating all public comment was submitted to the Department of Conservation Services and posted online.

VIII. ADMINISTRATIVE MATTER UPDATES

- EnviSci Summer Program: happening virtually!
- Intern being considered to assist with land stewardship and office obligations

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

ADJOURN

330 HOMER STREET -
 PROPOSED CONDITIONS
 6/25/20

4 = already removed

1 = 8" apple

2 = 6" maple

3 = 5" Norway maple
 9" 12"

5 = 14" White oak

shrubs = Winged Eucalyptus

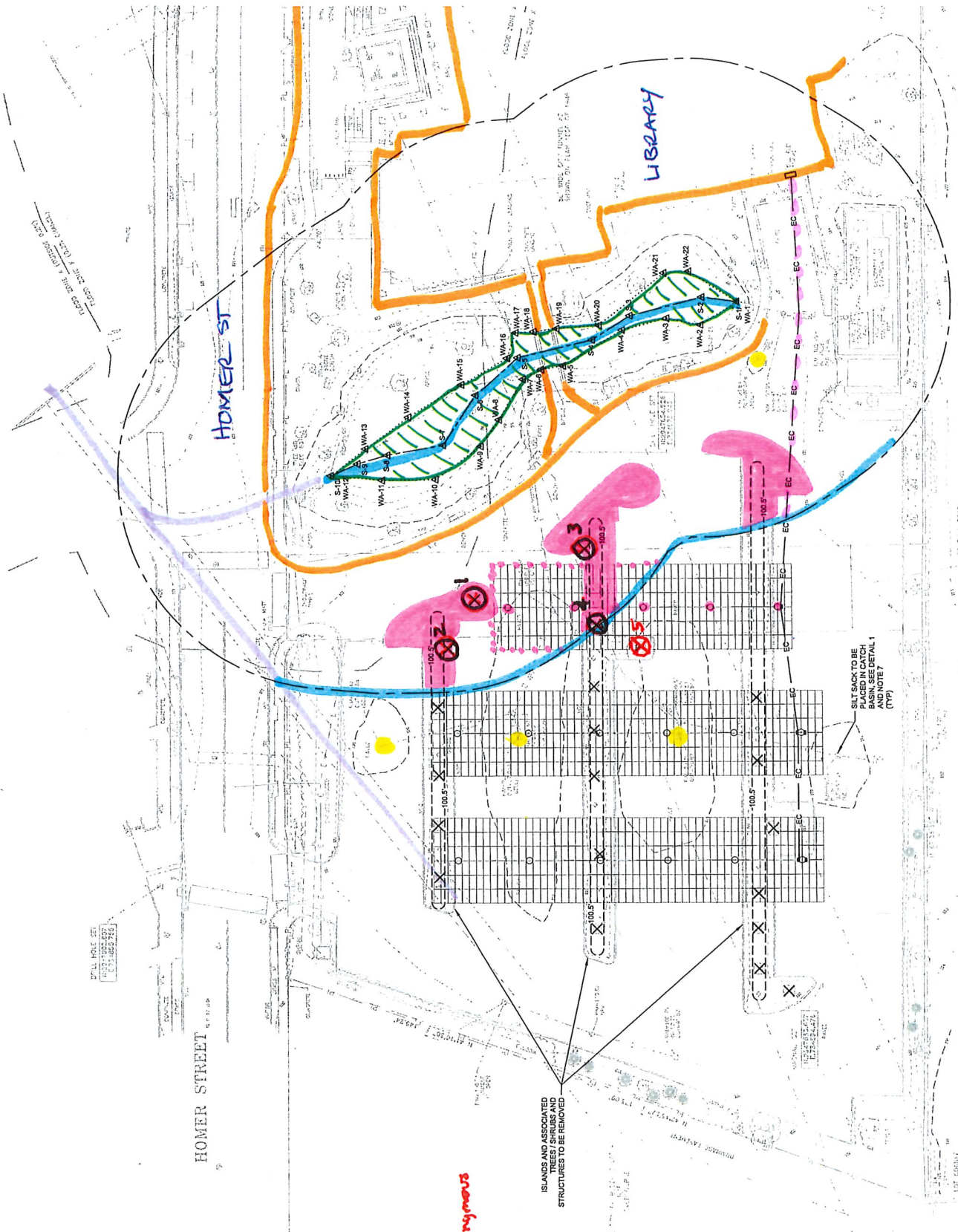


Figure 3. Newton Library, Tree Transplant Locations



Trees to be moved:

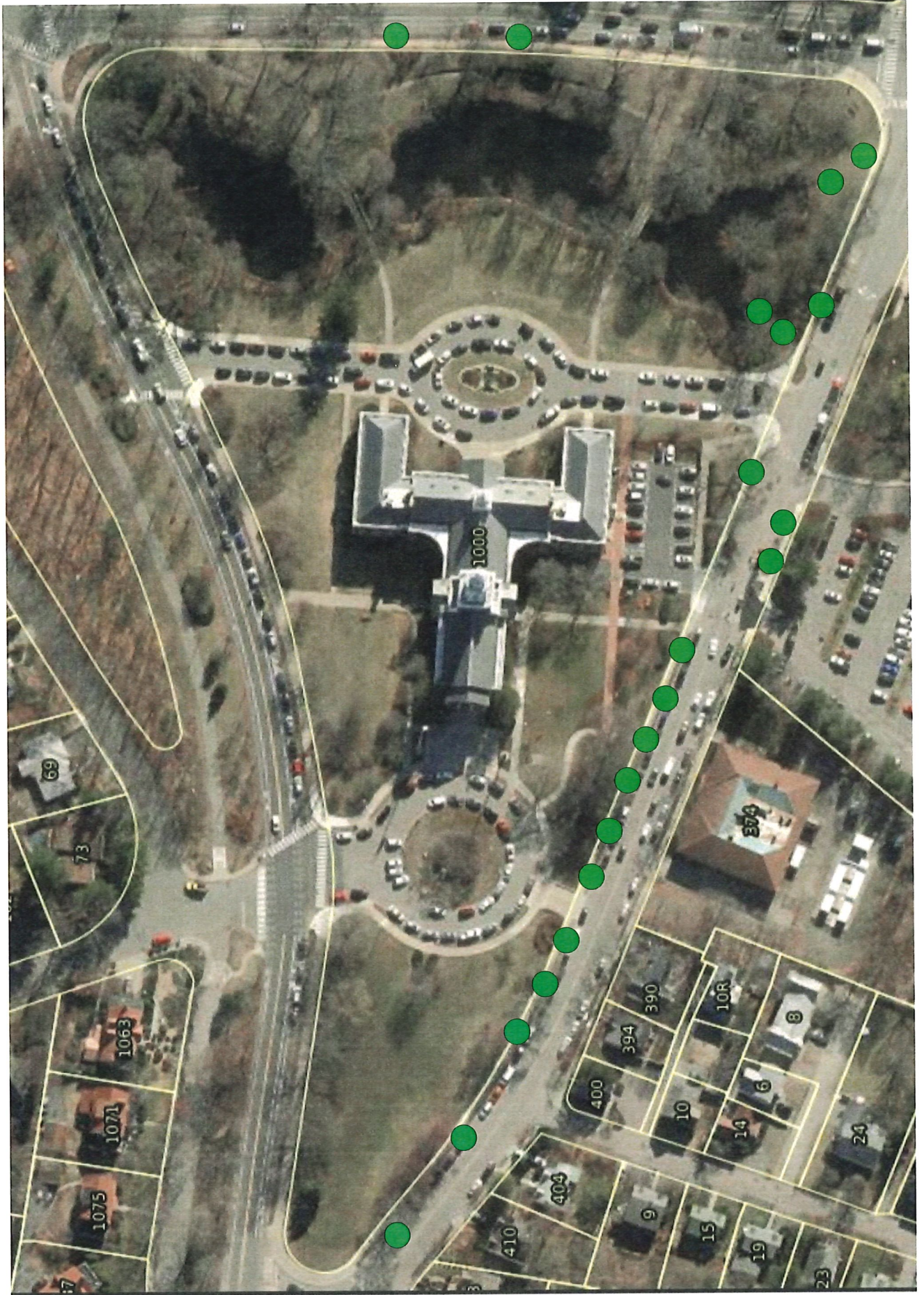
1. Sugar Maple 1
2. Sugar Maple 2
3. London Planttree
4. American Elm
5. Honeylocust

Tree are to be transplanted by a Massachusetts Certified Arborist. Tree's rootball must be at least 48" inches in diameter.

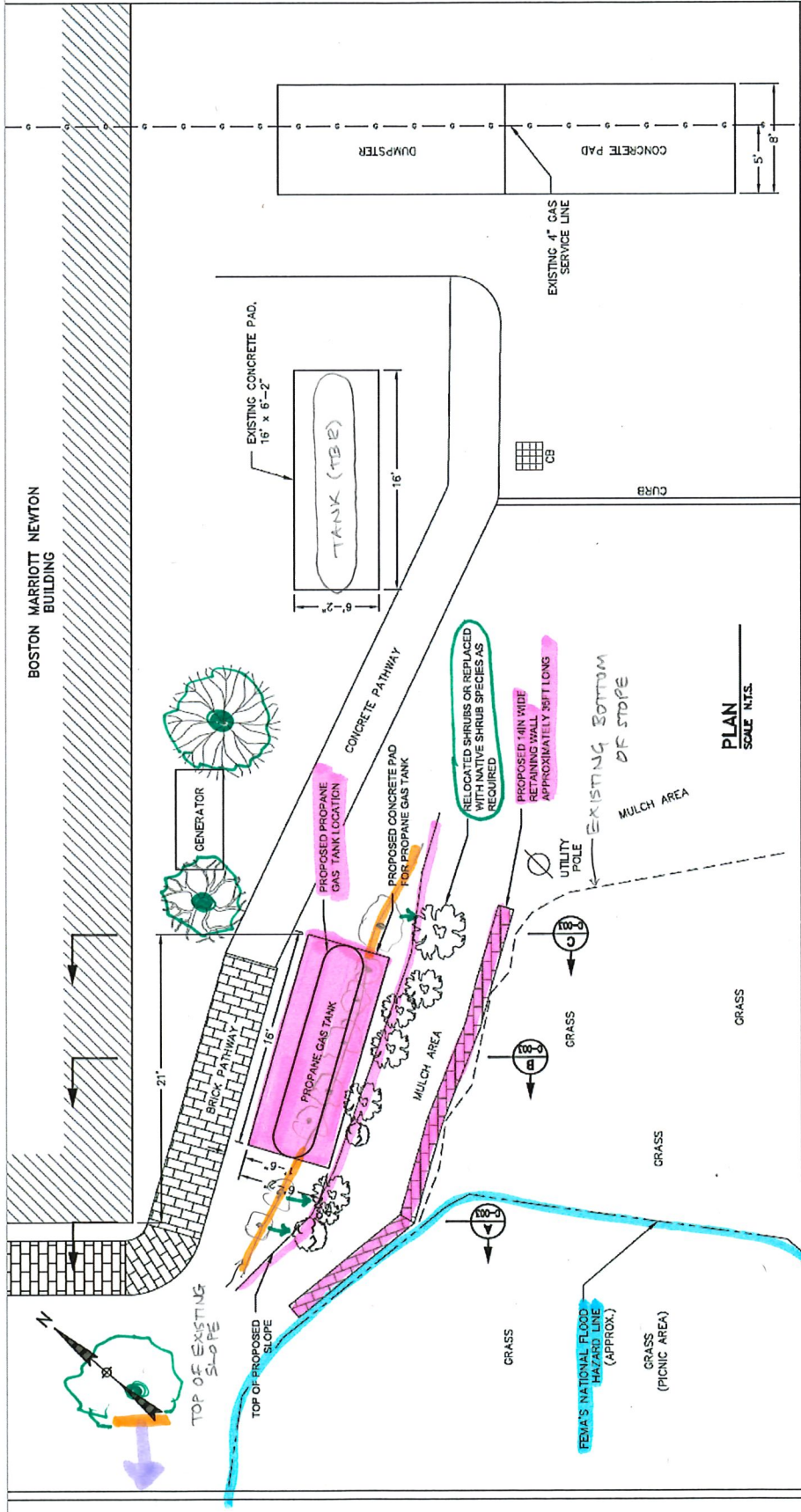
Planting locations shall be marked in the Field by the City's Forestry staff.

1. 330 HOMER STREET

Figure 4. City Hall Tree Planting—Plantings will follow the overall intent of the historic landscape plan. Exact locations to be determined in the field.



② 234S COMMONWEALTH AVENUE - PROPOSED CONDITIONS
6/25/20

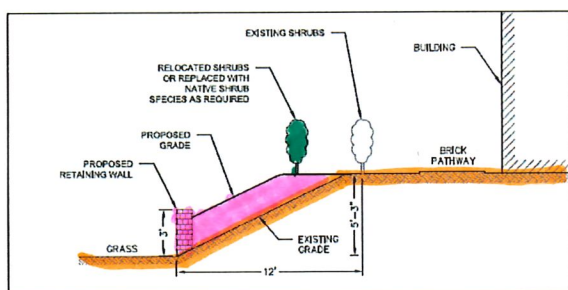
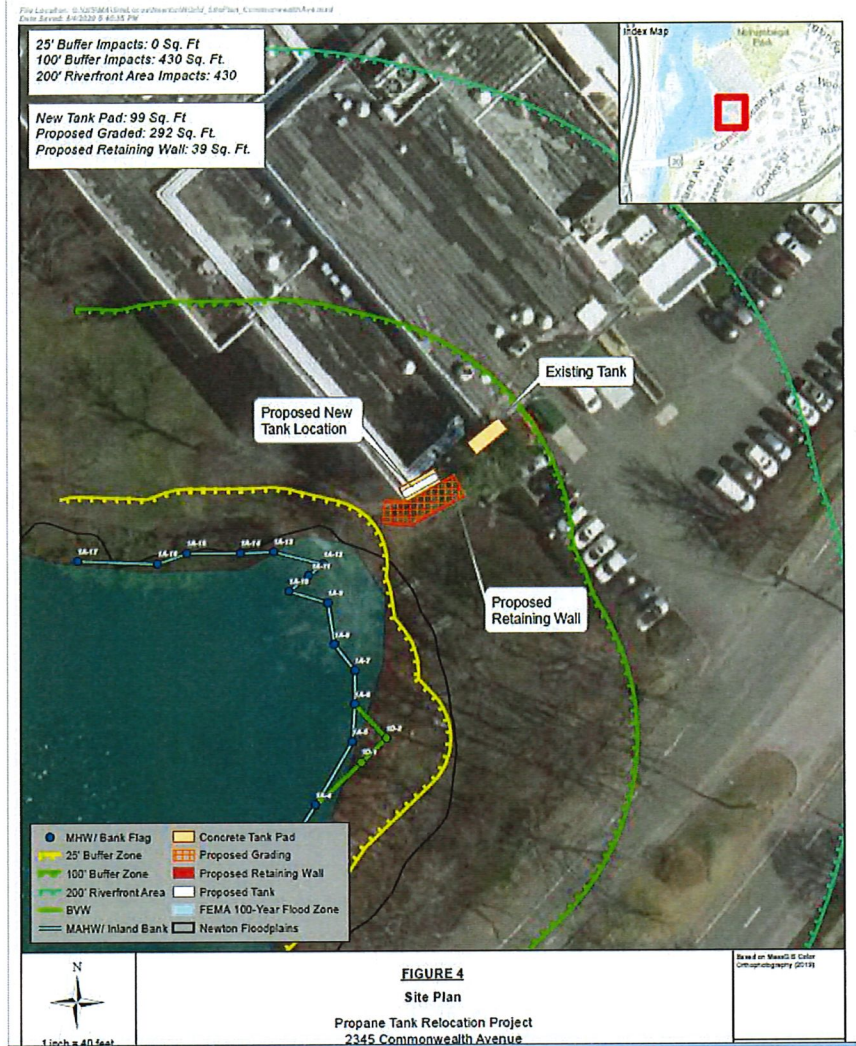


PAGE 3 OF 4

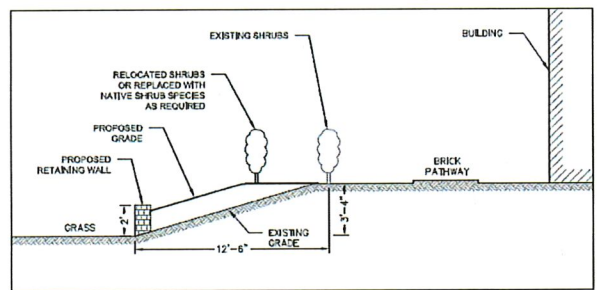
<p style="text-align: center;">PROPOSED INSTALLATION PLAN</p> <p style="text-align: center;">BOSTON GAS COMPANY 4/9/14 nationalgrid 40 SYLVAN ROAD MALDEN, MA 02148</p> <p style="text-align: center;">ISSUED FOR PERMITTING</p>	<p style="text-align: center;">PROPRANE TANK RELOCATION BOSTON MARRIOTT NEWTON 234S COMMONWEALTH AVENUE NEWTON, MA</p> <p style="text-align: center;">DESIGNER: L. JWC ENGINEER: R. MALCUS DATE: 08/27/2020 W.O. NO.: 190375-000</p>
---	--

NO.	ISSUED FOR PERMITTING	DATE	DWN	CHK	APP
0	ISSUED FOR PERMITTING	08/29/2020	LZ	RM	RM

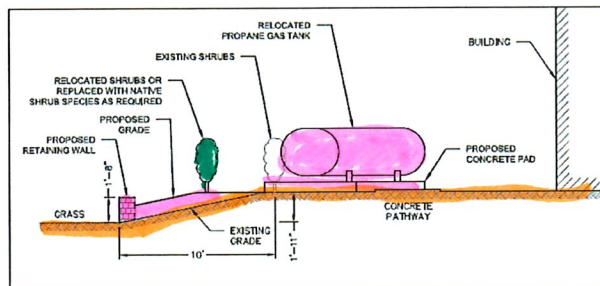
② 2345 COMMONWEALTH AVENUE - OVERVIEW + CROSS SECTIONS



ELEVATION A
SCALE: N.T.S.
AT THE CORNER OF BUILDING
(P-002)



ELEVATION B
SCALE: N.T.S.
AT THE MIDDLE OF EX. SHRUBS
(P-003)



ELEVATION C
SCALE: N.T.S.
AT THE EDGE OF PROPOSED TANK PAD
(P-004)



③ DUNSTAN EAST 40B - FLOOD ZONE + SAND FILTER

C-4.0

4 8

181720

Grading and Drainage Plan

Not Approved for Construction

Local Approvals

April 28, 2020

Flood Zone Extents & Sand Filter Locations

Dunstan East

Washington Street

West Newton, Massachusetts

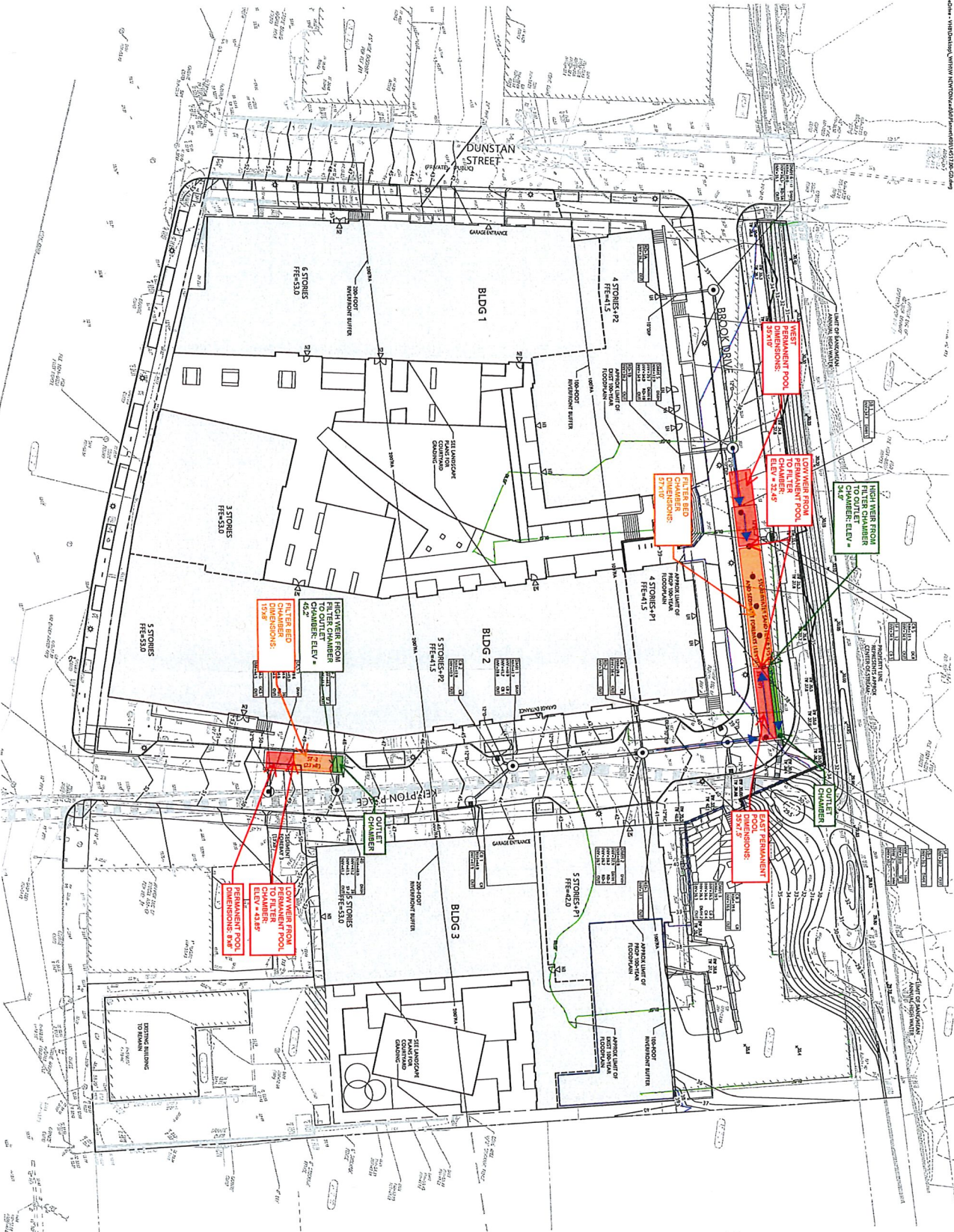


whb

101 Walnut Street
 PO Box 915
 Watertown, MA 02471
 617.924.1770

whb.com

③ DUNSTAN EAST 403- SAND FILTER WEIR ELEVATIONS



vhb.com
101 Walnut Street
PO Box 9151
Watertown, MA 02471
617.924.1770



Sand Filter Weir Elevations

Dunstan East
Washington Street
West Newton, Massachusetts

Scale: 1" = 10'-0"

DATE: 04/28/2020

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 04/28/2020

PROJECT: Dunstan East

CONTRACT: C-40

DATE: 4/28/2020

NOT APPROVED FOR CONSTRUCTION

Grading and Drainage Plan

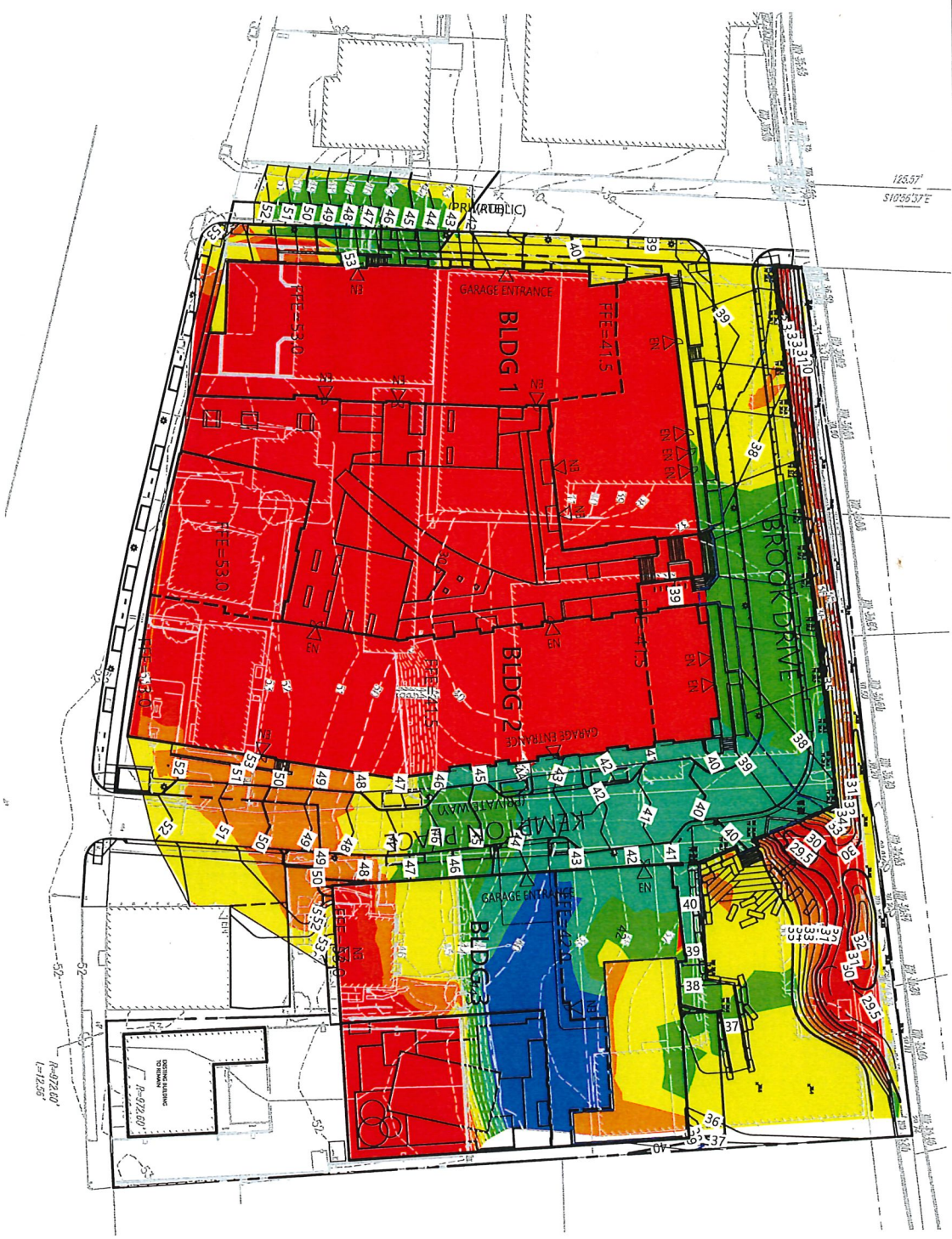
C-40

4/28/2020

1451720

③ DUNSTAN EAST 408 - CUT + FILL

\\hbj\proj\Wsh-LD\1451700\civil\Eng\Cut-Fill_Calc\1451700_Cut-Fill.dwg



Earthwork Cut-Fill Data

No.	Min. Elev.	Max. Elev.	Color
1	-0.122	-0.00	Blue
2	-0.00	-0.00	Green
3	-0.00	-0.20	Yellow
4	-0.20	0.00	Orange
5	0.00	2.00	Red
6	2.00	4.00	Dark Red
7	4.00	6.75	Dark Purple



③ DUNSTAN EAST 40B - SHADOW STUDY (1 of 2)



DUNSTAN EAST
Newton, Massachusetts

Partial 6th Floor - 9:00 AM - MARCH / SEPTEMBER 21 - SHADOW STUDY
JUNE 08, 2020

MARK
DEVELOPMENT

ELKUS | MANFREDI
ARCHITECTS



DUNSTAN EAST
Newton, Massachusetts

Partial 6th Floor - 3:00 PM - MARCH / SEPTEMBER 21 - SHADOW STUDY
JUNE 08, 2020

MARK
DEVELOPMENT

ELKUS | MANFREDI
ARCHITECTS

③ DUNSTAN EAST 40B - SHADOW STUDY (2 of 2)



DUNSTAN EAST
Newton, Massachusetts

Partial 6th Floor - 9:00 AM - DECEMBER 21 - SHADOW STUDY
JUNE 08, 2020

MARK
DEVELOPMENT

ELKUS | MANFREDI
ARCHITECTS



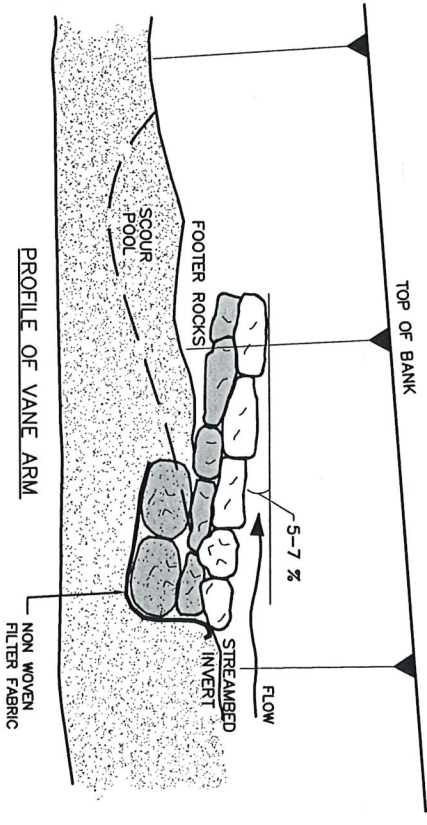
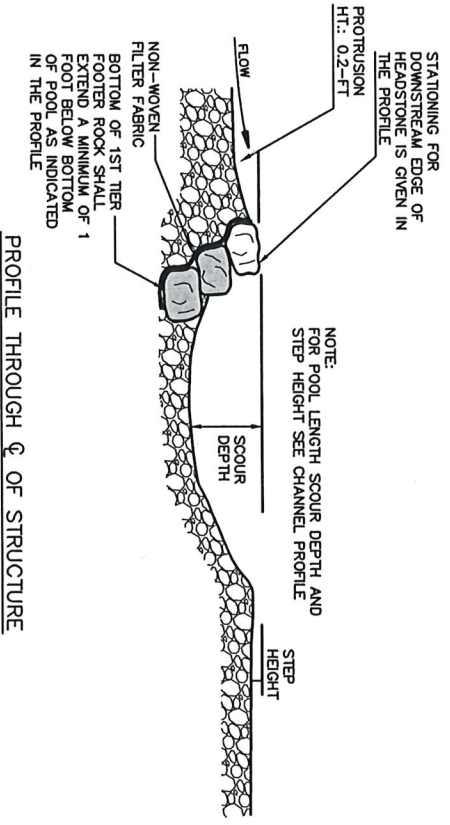
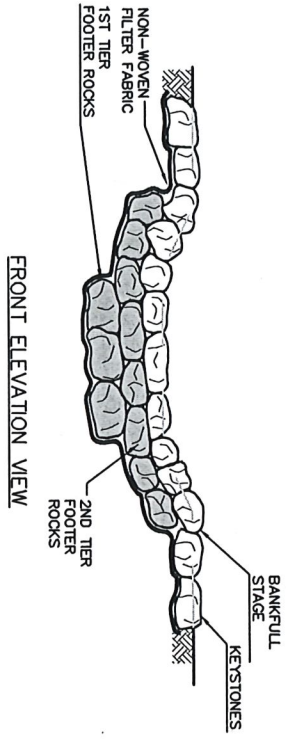
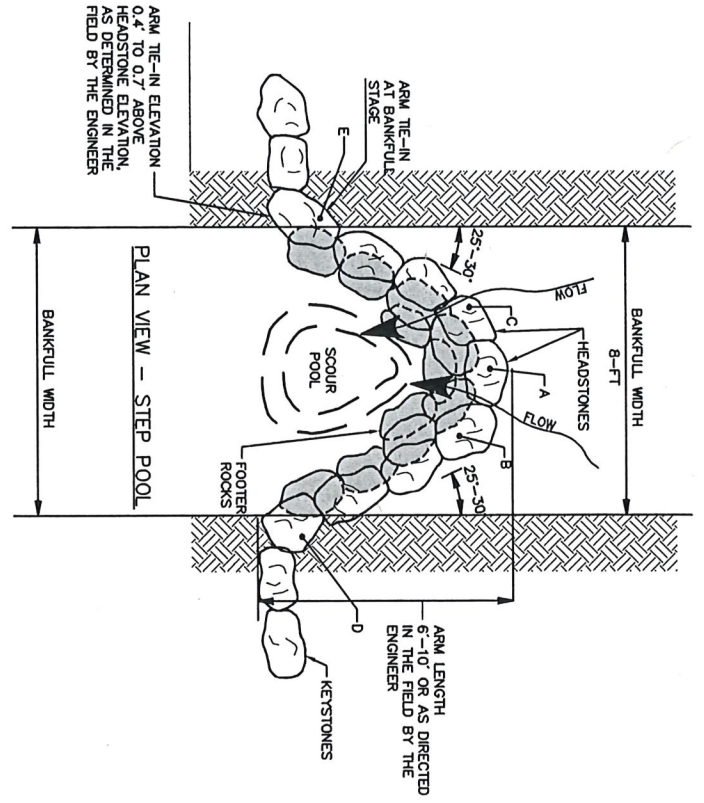
DUNSTAN EAST
Newton, Massachusetts

Partial 6th Floor - 3:00 PM - DECEMBER 21 - SHADOW STUDY
JUNE 08, 2020

MARK
DEVELOPMENT

ELKUS | MANFREDI
ARCHITECTS

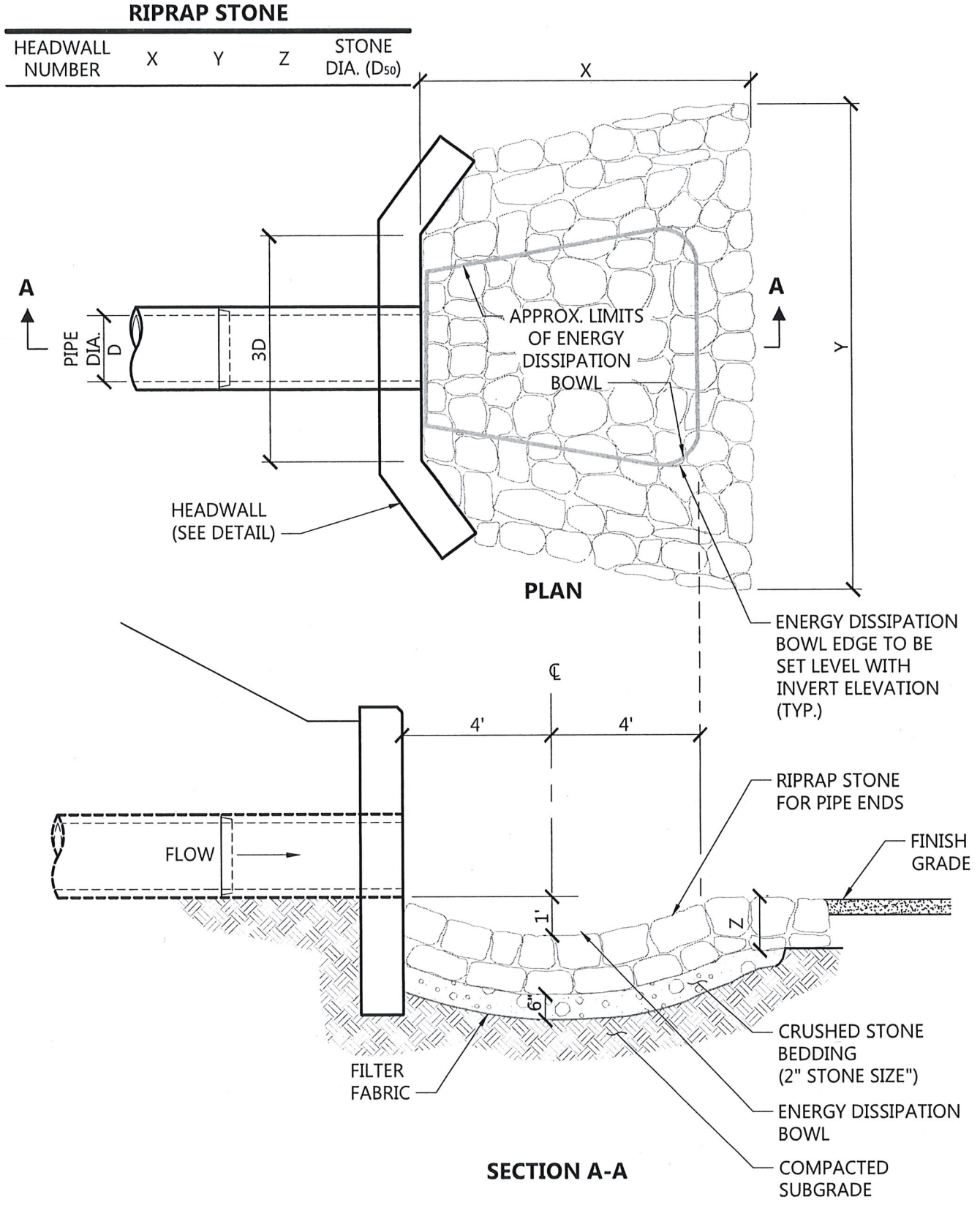
③ DUNSTAN EAST 40B - DETAILS



Step-Pool Structure Detail

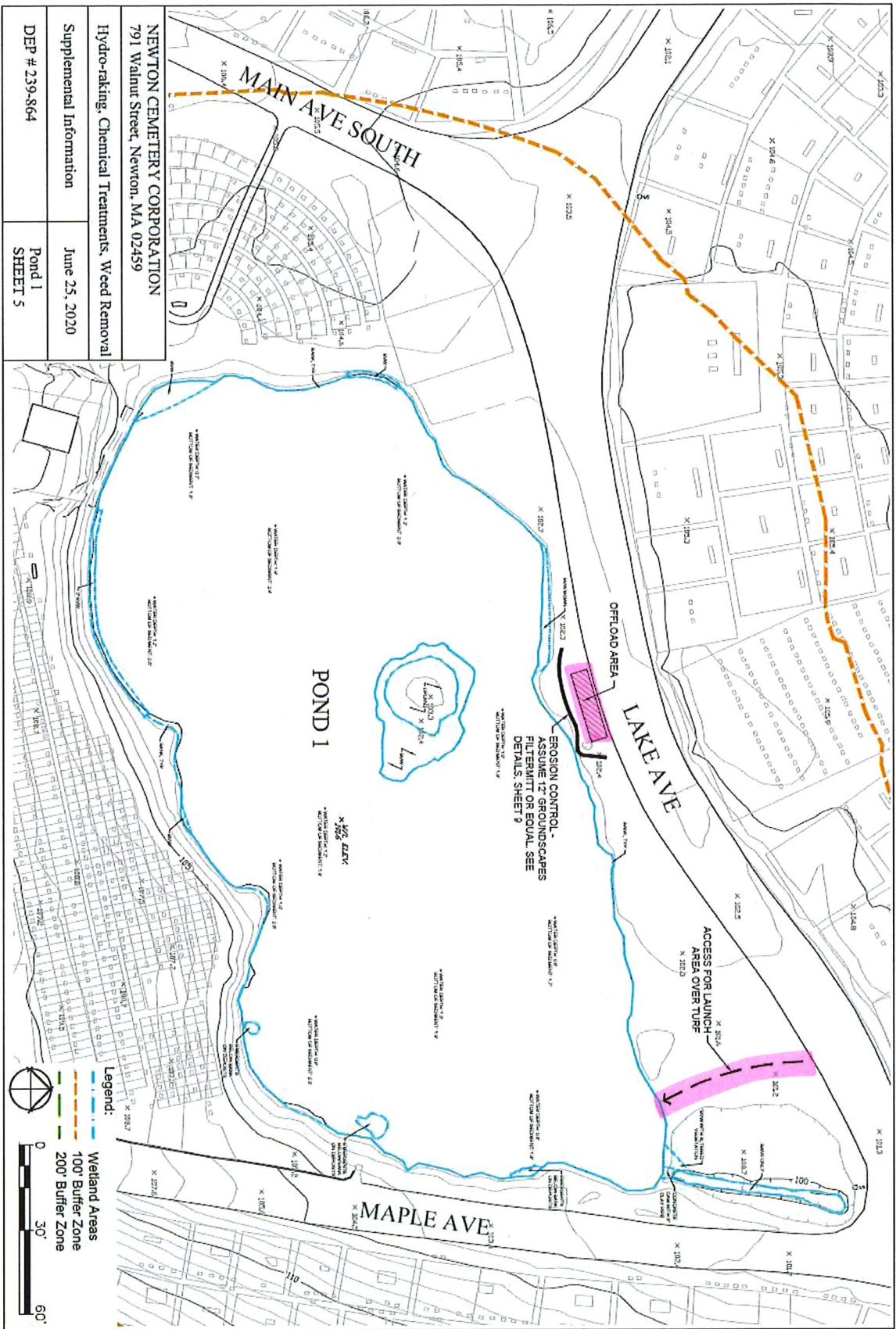
N.T.S.

③ DUNSTAN EAST 40B - DETAILS



Stone Protection at Headwall

① 791 WALNUT STREET - POND 1



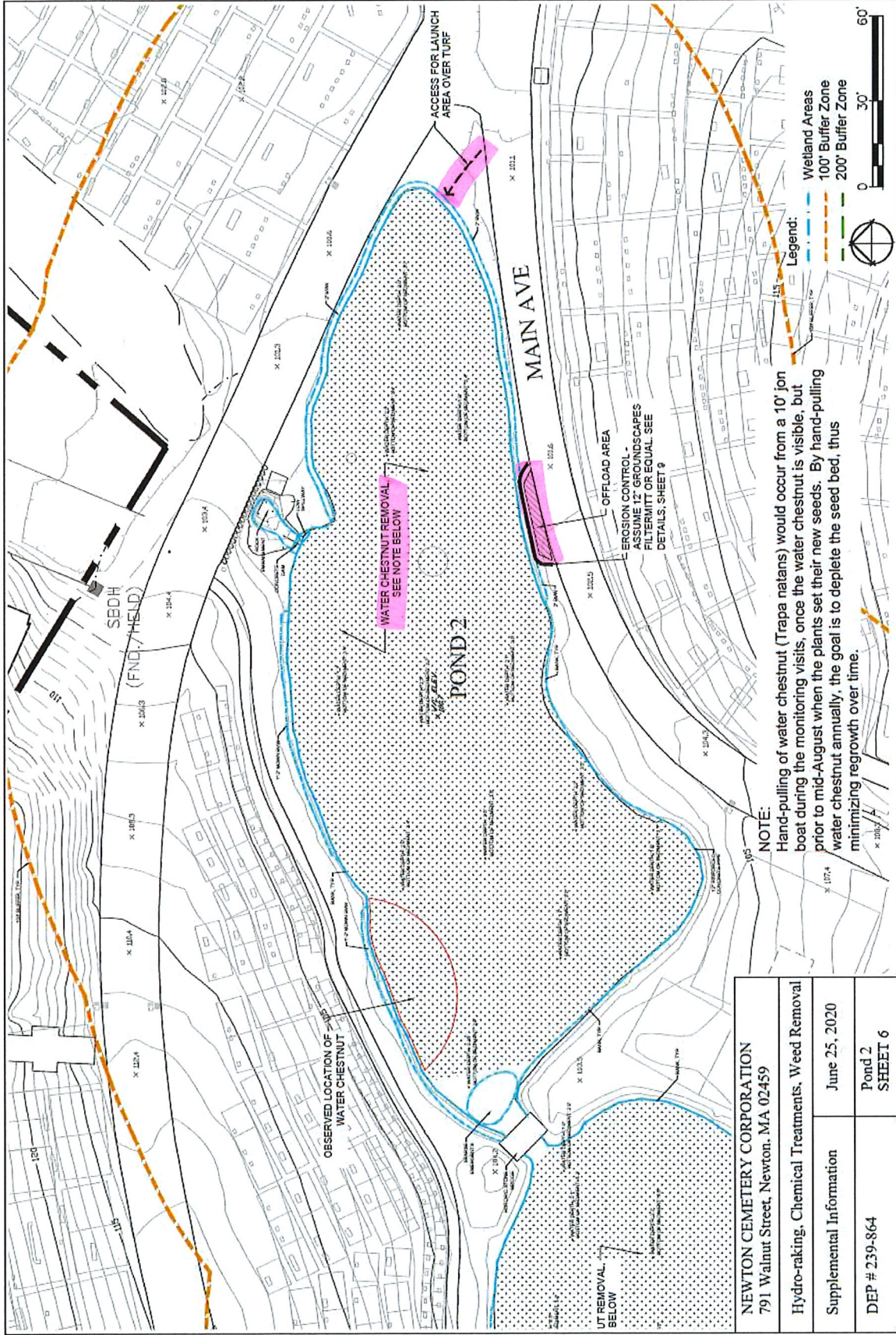
NEWTON CEMETERY CORPORATION
 791 Walnut Street, Newton, MA 02459

Hydro-raking, Chemical Treatments, Weed Removal

Supplemental Information June 25, 2020

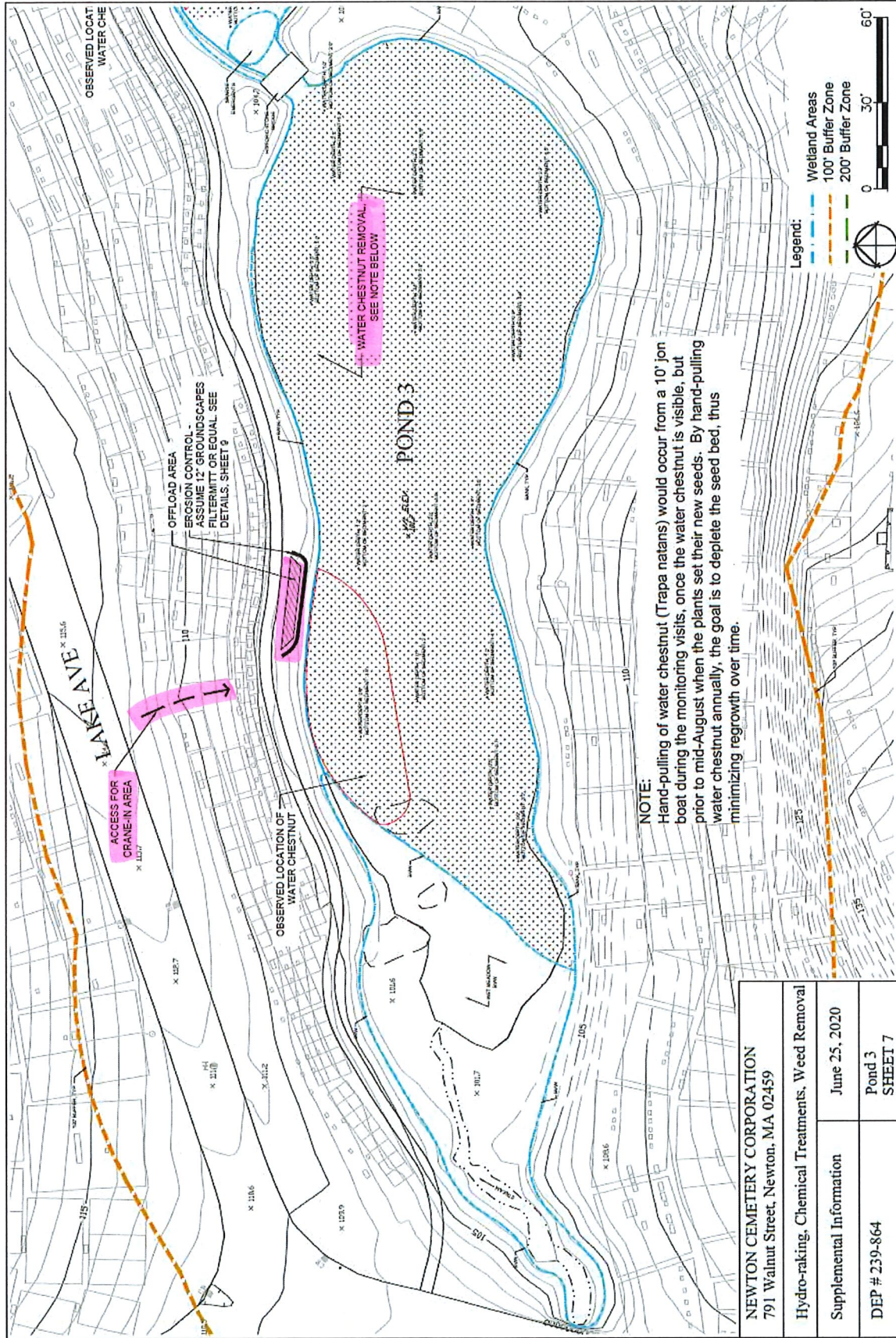
DEP # 239-864 Pond 1 SHEET 5

④ 791 WALNUT STREET - POND 2



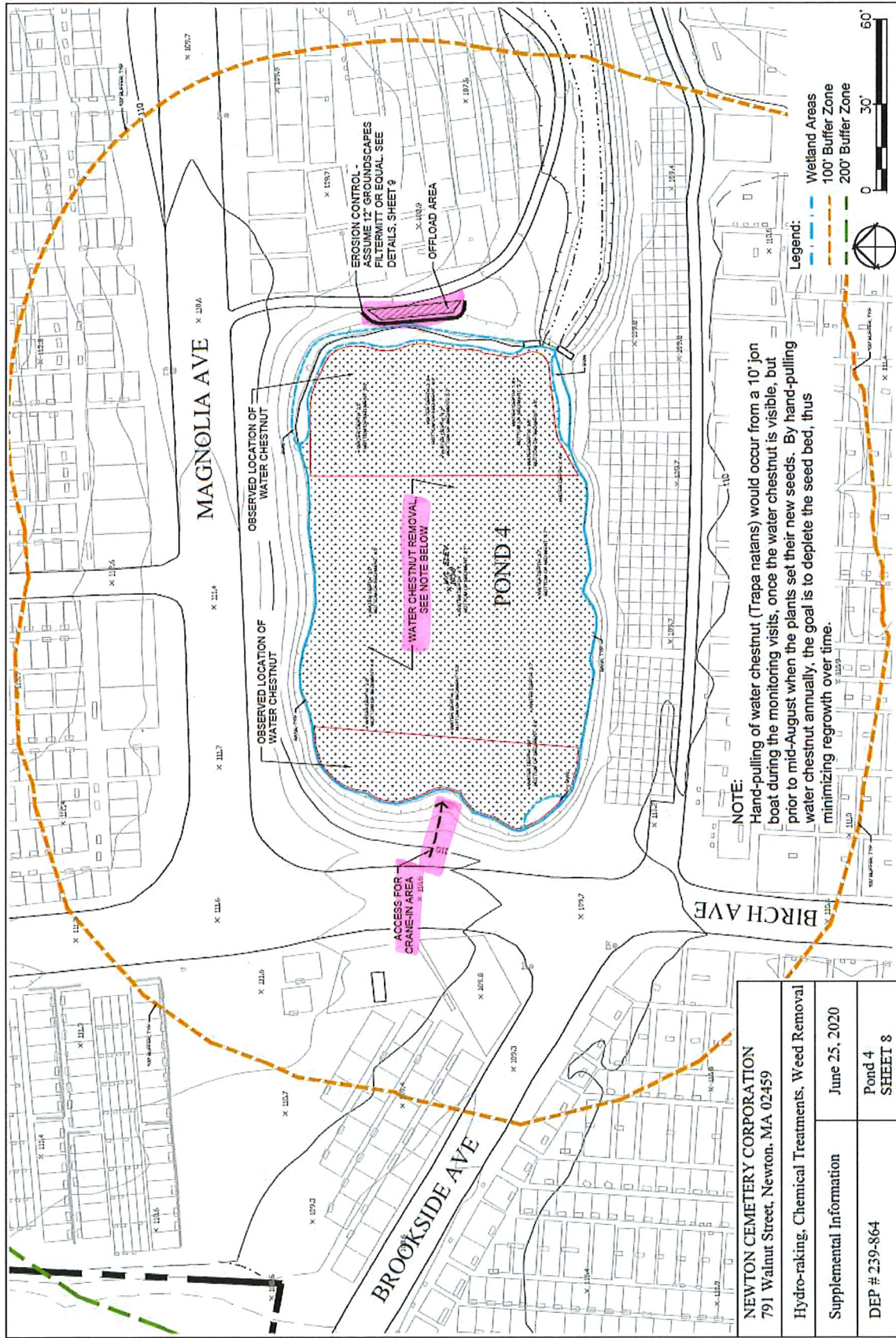
NEWTON CEMETERY CORPORATION 791 Walnut Street, Newton, MA 02459	
Hydro-raking, Chemical Treatments, Weed Removal	
Supplemental Information	June 25, 2020
DEP # 239-864	Pond 2 SHEET 6

④ 791 WALNUT ST - POND 3



NEWTON CEMETERY CORPORATION 791 Walnut Street, Newton, MA 02459	
Hydro-raking, Chemical Treatments, Weed Removal	June 25, 2020
Supplemental Information	Pond 3 SHEET 7
DEP # 239-864	

④ 791 WALNUT ST - POND 4



NEWTON CEMETERY CORPORATION 791 Walnut Street, Newton, MA 02459	
Hydro-raking, Chemical Treatments, Weed Removal	June 25, 2020
Supplemental Information	Pond 4 SHEET 8
DEP # 239-864	

④ 791 WALNUT ST - CHEMICAL TREATMENT THRESHOLDS



June 11, 2020

Newton Conservation Commission
&
Derosa Environmental

RE: Newton Cemetery Pond Management NOI filing – additional requested information

Below is a table of the proposed products included for use in the original Notice of Intent filing for aquatic plant management at the Newton Cemetery ponds. Additionally, also included are the management thresholds to enact those options, and the goal from utilizing them.

Product	Target	Use Threshold	Goal
Poly-aluminum chloride (PAC)	Excessive soluble nutrients	Phosphorus levels occurring over 0.03 mg/L can cause excessive algal blooms. Control over phosphorus should be maintained before blooms can occur. Understanding that an increase of nutrients enters a waterbody following spring rains, PAC treatments are often conducted during spring months before algal blooms can establish as PAC does not control algae itself.	To mitigate additional available phosphorus within the water column prior to any significant algae growth developing
Algaecides (Captain XTR, SeClear, GreenClean Pro, or equivalent)	Filamentous algae Microscopic algae	An algaecide (depending on if filamentous or microscopic algae was present), will be used when filamentous algae, either on the surface or rising from the bottom, cover >30% of the pond; or when microscopic algae throughout the pond has noticeably reduced water clarity or changed the water color since the last monitoring visit.	To mitigate a smaller algae bloom before it covers the entire pond, as it will require less algaecide to control when smaller. Additionally, open water conditions should be maintained to appropriately support aquatic life.
Imazamox (Clearcast)	Water chestnut	When water chestnut grows beyond sparse-moderate density in each of the ponds, or the size of the patches extends beyond 1/5 of the pond size	To efficiently manage water chestnut growth when physical efforts become inefficient

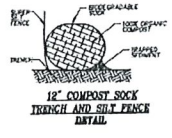
Competitively Sensitive & Proprietary Materials – The information contained herein is the intellectual property of SOLitude Lake Management. Recipient may not disclose to any outside party any proprietary information, processes, or pricing contained in this document or any of its attachments without the prior written consent of SOLitude Lake Management. This document is provided to the recipient in good faith and it shall be the responsibility of the recipient to keep the information contained herein confidential.

62 CARLTON - REVISED PROPOSED CONDITIONS

INVASIVE SPECIES REMOVAL AND TREATMENT:
 The invasive species observed in the area between the erosion control barrier and the wetland boundary to the property lines on both sides of the site will be eradicated for invasive control. The observed invasive species include the herbaceous shrub Garlic Mustard and an escaped ground cover Myrtle as well as the woody vine Oriental Bittersweet and invasive shrubs Gloriosa Bushbloom, Japanese Barberry, and Winged Euonymus. The Garlic Mustard and Myrtle will be hand pulled annually by June for three years, the woody barberry will be cut and bottled with herbicide on a schedule to be applied in September for three years. The pulled and cut plant materials will be removed from the site. Second year Garlic Mustard was pulled and removed from the site on May 25, 2020. See Exhibit Narrative for additional information.

PLANTING TABLE:
 The native plants listed in the table below will be established in the Buffer Zone between the proposed retaining wall and the wetland boundary. Substitutions must be approved by Conservation Agent. The locations shown on the plan are approximate. The shrubs will be placed in the field based upon site conditions under the direct supervision of the qualified wetland ecologist. See Exhibit Narrative for additional information.

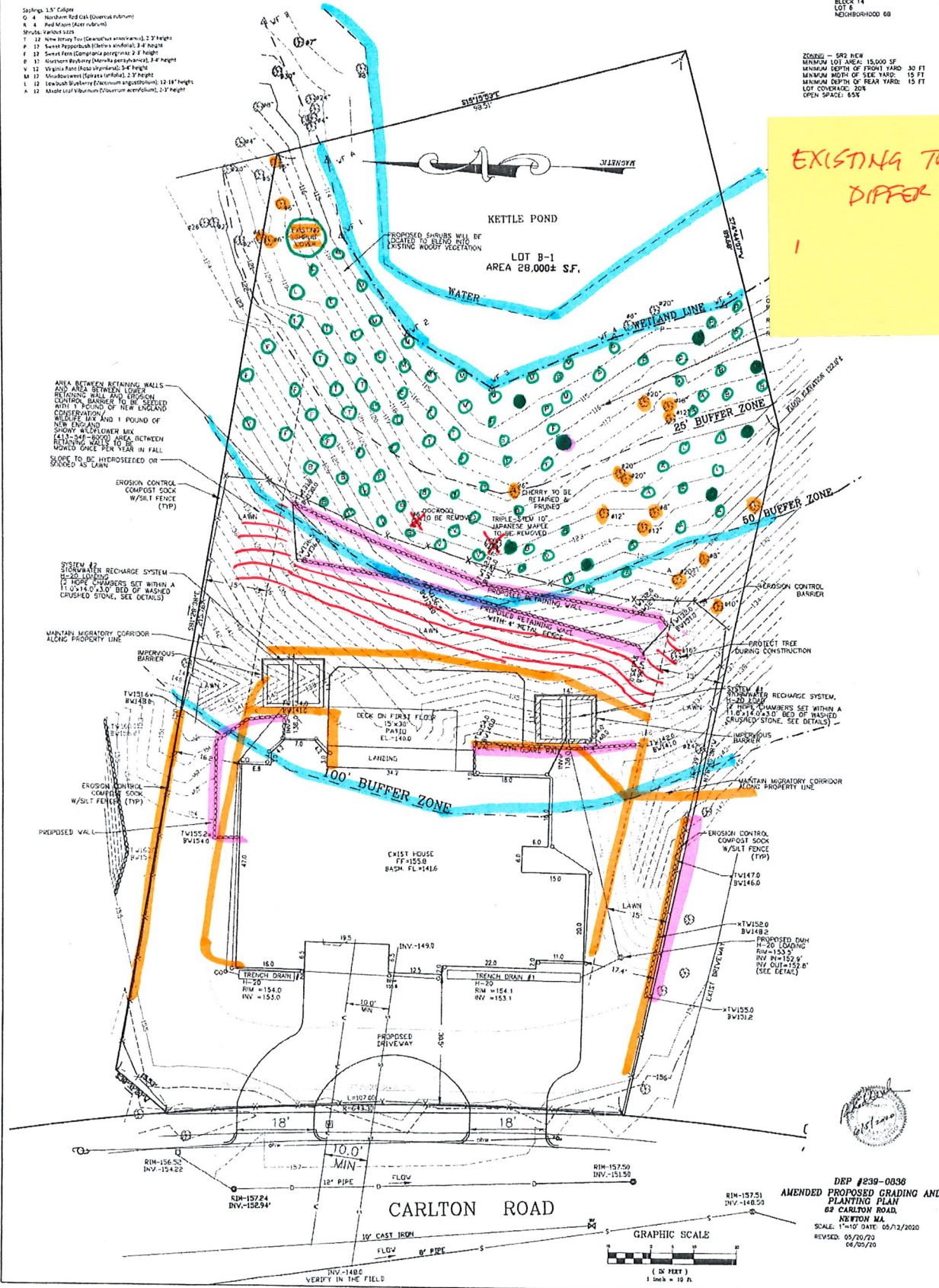
- Shrubs - 3.5' Caliper
- Q 4 Northern Red Oak (*Quercus rubra*)
 - R 4 Red Maple (*Acer rubrum*)
 - Shrubs - 4.0' Caliper
 - T 12 New Jersey Tea (*Comptosia americana*), 2.5' height
 - P 12 Sweet Pepperbush (*Fraxinus americana*), 2.5' height
 - F 12 Sweet Fern (*Comptosia pergrina*), 2.5' height
 - O 12 Northern Red Oak (*Quercus rubra*), 2.5' height
 - V 12 Virginia Sycamore (*Platanus occidentalis*), 3.4' height
 - M 12 Mudpuppy (*Spiraea triflorus*), 2.5' height
 - L 12 Lowbush Blueberry (*Vaccinium angustifolium*), 2.5' height
 - A 12 Maple Leaf Viburnum (*Viburnum acerifolium*), 2.5' height



ASSESSOR'S MAP 100NW SECTION 33 BLOCK 14 LOT 5 NEIGHBORHOOD 68

ZONING - SR2 NEW MINIMUM LOT AREA: 15,000 SF MINIMUM DEPTH OF FRONT YARD: 30 FT MINIMUM MOUTH OF SIDE YARD: 15 FT MINIMUM DEPTH OF REAR YARD: 15 FT LOT COVERAGE: 20% OPEN SPACE: 65%

EXISTING TREES DIFFER ?!



DEP #239-0898
 AMENDED PROPOSED GRADING AND PLANTING PLAN
 62 CARLTON ROAD,
 NEWTON MA,
 SCALE: 1"=10' DATE: 05/12/2020
 REVISED: 05/20/20
 06/05/20

(5) 62 CARLTON - REVISED INVASIVE + PLANTING DETAILS

INVASIVE SPECIES REMOVAL AND TREATMENT:

The invasive species observed in the area between the erosion control barrier and the wetland boundary to the property lines on both sides of the site will be evaluated for invasive species. The observed invasive species include the herbaceous biennial Garlic Mustard and an escaped ground cover Myrtle as well as the woody vine Oriental Bittersweet and invasive shrubs Glossy Buckthorn, Japanese Barberry, and Winged Euonymus. The Garlic Mustard and Myrtle will be hand-pulled annually by June for three years; the woody species will be cut and blotted with herbicide by a license herbicide applicator in September for three years. The pulled and cut plant materials will be removed from the site. Second year Garlic Mustard was pulled and removed from the site on May 20, 2020. See EcoTec Narrative for additional information.

PLANTING TABLE:

The native plants listed in the table below will be established in the Buffer Zone between the proposed retaining wall and the wetland boundary. Substitutions must be approved by Conservation Agent. The locations shown on the plan are approximate; the shrubs will be placed in the field based upon site conditions under the direct supervision of the qualified wetland scientist. See EcoTec Narrative for additional information.

Saplings; 1.5" Caliper

O 4 Northern Red Oak (*Quercus rubrum*)

R 4 Red Maple (*Acer rubrum*)

Shrubs; Various sizes

T 12 New Jersey Tea (*Ceanothus americanus*); 2-3' height

P 12 Sweet Pepperbush (*Clethra alnifolia*); 3-4' height

F 12 Sweet Fern (*Comptonia peregrina*); 2-3' height

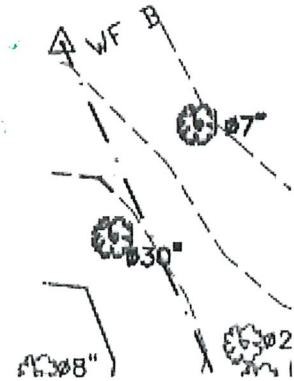
B 12 Northern Bayberry (*Morella pensylvanica*); 3-4' height

V 12 Virginia Rose (*Rosa virginiana*); 3-4' height

M 12 Meadowsweet (*Spiraea latifolia*); 2-3' height

L 12 Lowbush Blueberry (*Vaccinium angustifolium*); 12-18" height

A 12 Maple Leaf Viburnum (*Viburnum acerifolium*); 2-3' height



78 FESSENDEN

PROPOSED HABITAT ENHANCEMENT
PLANTING AREA = 690SF±

AVE = 10' WIDE
AND 87' LONG

PROPOSED
(4) (LOW PROFILE) GALLEYS
RIM=35.5
INV=33.0
TOS=31.0
BOS=30.0

DEC. 12", 14"

~~UNPERMITTED
REMOVAL~~

LOT AREA
10,049±s.f.

EXPANDED
EXISTING
PATIO
(2080)

DEC. 24"

~~UNPERMITTED
REMOVAL~~

200' OUTER
RESOURCE AREA

PROPOSED
2 STORY
ADDITION

2 STORY
WOOD
#78

F.F.L. EL.=37.85

GARAGE
EL.=35.15

MOVED
NEWTON
PLANNING DIV.

Oct 17, 2012

Normal

10-90
6/

33
34
38.5'

ADDITION

STOCKPILE FENCE

18.8'

18.8'

14.3'

14.3'

14.3'

14.3'

14.3'

14.3'

14.3'

14.3'

14.3'

14.3'

14.3'

N57°43'10"W
(CALC. 118.50')
(DEED 118.51')

14.3'

35

DEC. 17"

DEC. 16"

18.8'

18.8'

24.0'

9.6'

1.6'

1.6'

1.6'

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60.3'

57.0'

57.0'

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CONSERVATION COMMISSION MINUTES

Date: June 4, 2020

Time: 7:00pm

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

<https://zoom.us/j/390740999>

With a quorum present, the meeting opened at 7:00 with Susan Lunin, Vice-Chair presiding as Chair. Dan Green, Chair took over Chair responsibilities when he joined the meeting at 7:05

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

Members Absent: none

Staff Present: Jennifer Steel and Claire Rundelli

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

DECISIONS

I. WETLANDS DECISIONS

1. 138 Lake Ave. – Proposed Tree Removal – Informal Discussion

- Owner/Applicant: Anthony Deighton
- Request: What filing should be made and what replacement will likely be required if the owners wish to remove the 55" silver maple that is close to the shore of Crystal Lake.
- Documents Presented: Site photos
- Jurisdiction: Buffer Zone
- Staff Notes
 - The tree in question was saved during the recent construction of the Deighton's house.
 - The tree is a huge old silver maple that has been dropping limbs.
 - The owners are concerned someone or something will be damaged.
 - Because of the size of the tree and the recent permitting of site alterations, staff were not comfortable using their administrative approval authority.
 - The Commission's tree replacement guidelines state:
 - For each inch of tree over 8" dbh removed, ½ caliper inch (measured 6 inches off the ground) must be planted. Replacement trees must be at least 1-2 caliper inches.
 - If the trees or shrubs being replaced are hazards, mitigation requirements may be reduced.
- Discussion and Consensus
 - Commissioners agreed that the tree was near the end of its life and poses a hazard.
 - Commissioners agreed that the trees roots were important in maintaining bank stability.
 - Commissioners agreed that the owners should submit an application for review in an advertised public forum, agreed that an RDA would suffice, and agreed that the owners should propose at least one native tree for the silver maple location and one elsewhere on the lot in or near the 100' buffer.

2. Northland Mixed-Use Development – Preliminary Discussion

- Owner/Applicant: Northland Investment Corp. Representative: Curtis Quitzau, VHB, Inc., Keith O'Connor, SOM
- Request: Applicant would like preliminary feedback from Commission before submitting NOI.
- Documents Presented: Applicant presentation
- Jurisdiction: Buffer Zone, Riverfront Area, City Floodplain
- Disclosures: Dan Green noted that he works with VHB, Leigh Gilligan noted that she represented VHB years ago.
- Presentation (Curtis Quitzau and Keith O'Connor) and Discussion
 - Project has secured a Special Permit/Board Order and approved Design Guidelines and so is now in final design.
 - Goals are to restore natural hydrologic function, provide natural open space, and provide educational and historically engaging open space. 10.5 acres of the total 22 acres will be open space or landscaping of some sort.
 - The ConCom will have direct involvement with the 2.5 ac South Meadow Brook Park and the 1.1 acre Mill Park.



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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F 617/796-1142

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- South Meadow Brook Park will be natural space with path and gathering/viewing amenities. Mill Park will allow people to see the water within the culverted “waterfall”.
- The applicant is now doing preliminary demolition and borings to determine extent of contamination on site.
- Commissioners noted their interest in having the applicant use native plants throughout the site to help educate others and to help drive the market.
- One Commissioner noted her concerns about construction period site controls to protect South Meadow Brook from sediment, trash, spills, etc. The applicant noted that a SWPPP would be provided to EPA and the ConCom.
- Commissioners questioned the location of the dog parks being close to the stream.
- Staff noted (and Commissioners echoed) concerns about the density of amenities, the likely intensity of use of, and the resulting problems of maintenance of the intended plantings at South Meadow Brook Park.

3. 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: Continue hearing.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Riverfront Area
- Project Summary
 - Construction of a 24’x26’ detached, 2-car garage. Existing garage will be converted to storage.
 - Pouring of a new 22’ wide asphalt driveway.
 - Installation of underground infiltration chambers and trench drain to collect runoff from driveway and new roof.
- Vote to continue hearing to July 16, 2020. [Motion: Zabel; Second: Lunin; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Vote 7:0:0]

4. 15 Riverdale Avenue – NOI (continued) – multi-use 40B development – DEP File #239-860

- Owner: Michael Price, Legacy the River, LLC Applicant: Jack Englert, CPC Land Acquisition Company, LLC Representative: Timothy Williams, Allen & Major Associates, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Project Summary
 - Demolish existing large commercial building and remove much of the existing pavement.
 - Construct one large building (with a central open-air concourse) within Riverfront Area -- 166 units, ~57,819 sf, and 5 stories with ground-level covered parking, and associated outdoor amenities.
 - Undertake associated site grading, install drainage and stormwater management systems, and landscape the site.
 - 5,309 c.f. of additional flood storage is proposed to be constructed on site.
 - Impervious area on the entire project site (including areas outside Riverfront Area) will be reduced by 10,218 s.f.
 - N.B. The project includes the construction of another smaller building, roadway, and parking outside of RFA.
- Regulatory framework
 - Riverfront Area
 - Overall, this seems to represent a small improvement to the existing Riverfront Area by pulling the proposed building back 30-35 feet from the river and pulling the hardscape back 7 feet from the river in most areas.
 - Degraded Riverfront Area will be reduced by 2,051 s.f.
 - Impervious Riverfront Area will be reduced by 10,590 s.f.
 - The retrofitted catch basins, water quality structure, and subsurface detention structure will hold and treat runoff from the entire site and nearby streets. Over 68% phosphorus reduction is anticipated due to storm filter system and porous pavement.
 - Infiltration will be enhanced by the porous pavers and pavement and the bioretention area.
 - Runoff from the covered parking area will go through oil/water separators and into the City’s sewer.
 - The bioretention area plantings could provide greater habitat value than the lawn it will be replacing.
 - Public access to the DCR Blue Heron Pathway will be enhanced.

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.

- The City's adjacent Forte Park will be enhanced.
- Flood zone
 - Flood storage at every elevation is being increased (because of the bioretention area and the building being "pushed back from the river").
 - Total flood storage will be increased on the site by 15% or 5,309 c.f.
- Presentation (Jack Englert) and Discussion
 - As discussed at the last hearing, the applicant has addressed all of the concerns that staff raised. These changes have been appropriately incorporated in the revised plans.
 - Applicant clarified that Estimated Seasonal High Groundwater was roughly 1 foot below the bottom of the bioretention area, and because that area was not being "claimed" for stormwater treatment, limited separation was fine.
 - Stockpiling may take place off site (in Forte Park) under agreement with the City (in exchange for improvements to the Park), but any off site stockpiling will be outside Commission jurisdiction.
 - Special conditions were reviewed and edited
- Vote to close the hearing, issue an OOC with the following special conditions, and allow the vote be an electronic signature on the OOC. [Motion: Green; Second: Hepburn; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Vote 7:0:0]
 - The SWPPP must be submitted by the contractor to the Conservation Office for review and approval.
 - A phasing/construction management plan must be submitted by the contractor to the Conservation Office for review and approval. It must clearly illustrate, all aspects of site management, including, for example:
 - The locations of stockpiles
 - Vehicular access and parking
 - Material laydown and storage
 - Temporary sediment basins,
 - Construction-phase stormwater controls
 - A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval prior to any dewatering, if dewatering proves necessary.
 - A concrete washout plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval
 - Construction period snow management
 - An LSP shall be retained by the applicant to ensure that should contamination be encountered on site, appropriate remedial actions in compliance with the MCP will undertaken timely. The ConCom shall be notified immediately of such a finding.
 - The contractor must take all measures necessary to protect all trees that are shown on the plan as to be protected. This could include, for example, fencing, trunk protection, root protection, and methods such as air-spading and hand digging to ensure long-term health of the trees.
 - Landscape plantings within Commission jurisdiction must:
 - Stabilize all exposed areas
 - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - Throughout Conservation Commission jurisdiction, have a survival rate of 100 % of total number of trees (after 2 growing seasons)
 - In the bio-retention area, have 100 % aerial coverage of seeded areas and 90% survival of shrubs (after 2 growing seasons)
 - Elsewhere within Conservation Commission jurisdiction, have a survival rate of 80 % of total number of shrubs (after 2 growing seasons)
 - Elsewhere within Conservation Commission jurisdiction, have a survival rate of 80 % aerial coverage of all other plants (after 2 growing seasons)
 - Compensatory flood storage must be provided in its entirety as per the plans and must be clearly documented on the as-built plans.
 - The stormwater treatment systems must be installed in their entirety as per the approved plans and clearly documented on the as-built plans.
 - Runoff from the covered parking area must go through oil/water separators and into the City's sewer.

- Applicant shall document and submit to the Conservation Office proof of inspection by and approval by the Engineering Department of:
 - detention system when open,
 - porous pavement and paver areas during construction of the sub-base layers -- appropriate preparation for infiltration/compaction remediation and layers of construction, and
 - construction of the bio-swale bedding and medium.
- No damage to trees beyond property boundary is permitted. If any trees in that 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.
- As per the approved plans, snow shall not be stored on or riverward of the emergency access road to the north of the Building 1.
- To protect the full suite of benefits of the bioretention area in the landscaped area north of Building 1, fertilizers shall be of low-nitrogen content and be used in moderation and herbicides and pesticides shall not be used.
- To protect wetland wildlife, exterior lighting shall:
 - be shielded to prevent any “up lighting” and “backlighting” (i.e., no emissions above 90 degrees or behind the fixture if that creates spill closer to the wetland resource area),
 - be focused to prevent any spill beyond hardscape or edge of maintained lawn or play areas,
 - have limited blue content to decrease skyglow and disruption of diurnal animals,
 - be switched off when not in active use for safety, and
 - not exceed the illumination shown on the approved photometric plan sheet.

5. 791 Walnut Street – NOI (continued) – ecological restoration – DEP File #239-864

- Owner: Newton Cemetery Corporation (NCC) Applicant: Mary Ann Buras, NCC Representative: Michael DeRosa, DeRosa Environmental Consulting, Inc., Kara Sliwoski, Solitude Lake Management
- Request: Issue OOC.
- Documents Presented: Plans, site photos
- Jurisdiction: Bank, Bordering Vegetative Wetlands (BVW), City Floodplain, Land Under Wetlands and Waterways (LUWW), Riverfront Area, Buffer Zone
- Performance Standards – Ecological Restoration Limited Project
- Disclosures: Dan Green noted that his family has plots within the cemetery.
- Staff Notes:
 - The applicant is requesting a 5-year Order of Conditions to implement an ecological restoration plan.
 - Staff had an extensive site visit with members from the cemetery management and the applicant team. Based on that site visit, the proposed work has been simplified to focus on hydro-raking and tree planting, the most urgent and time-sensitive work.
 - The applicant has provided details regarding their turf management and it seems as though all best management practices are being followed in terms of reducing nutrient run-off from turf.
 - Applicant must still address unpermitted tree and shrub cutting and unpermitted stream bank restoration.
- Presentation (Mary Ann Buras, Mike DeRosa, Kara Sliwoski) and Discussion
 - The applicant has reduced the scale of their proposed work since submitting application materials. Their interest now is in only the following: ecological restoration of Ponds 1-4 to reduce organic accumulation, reduce nutrient loading, increase water holding capacity, manage invasive aquatic plant species, improve overall water quality, and improve wildlife habitat. Withdrawn for the time being are the proposals to:
 - Use of chemicals to treat water chestnuts
 - Cutting trees
 - Planting trees
 - Restoring the “pool and riffle area”
 - Restoring pond buffers
 - Proposed activities are:
 - Hydro-raking of the 4 ponds (2.7 acres). Pond 1 and 2 will be done this spring, Ponds 3 and 4 will be done later. The objective of the hydro-raking portion of the project is to remove the roots and tubers of

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nuisance vegetation within the ponds.” All equipment for hydro-raking is proposed to be positioned on existing paved pathways within the cemetery, with other work being done by hand. Cemetery staff and hydro-raking crew will separate out any turtles, fish, and macro-invertebrates that can be easily collected from the harvested material and place them back in a previously selected refuge pond (typically the upgradient pond from where the work is being conducted). The raked material will be temporarily deposited on accessible shoreline within erosion controls to dewater, then trucked to an upland, on-site composting location. Increases in turbidity typically settle-out to background levels within 24 hours of the completion of hydro-raking. The anticipated hydro-rake launch areas are as follows:

- Pond 1 – the northeast corner of the pond
- Pond 2 – the easternmost point of the pond
- Pond 3 – craned in from a point on the road likely along the northern shoreline where feasible
- Pond 4 – craned in from a point on the road likely along the northern shoreline where feasible
- sediment control barriers, prior to trucking the material to the upland compost facility.
- Monitoring of water quality. Will occur twice every month during the growing season. Monitoring will be done by Solitude. Visual assessments will be conducted for algal growth
- PAC. Will be applied in the spring at a low dose (1pmm) to strip phosphorus from the water column.
- Copper-based algaecide applications. Will be applied at a threshold of 30% cover of algae or “noticeably reduced water clarity” resulting from microalgae blooms.
- Hand-pulling of water chestnut.
- The proposals will likely result in function and habitat improvements
 - Hydroraking can be effective in restoring open water habitat
 - PAC can be effective at reducing nutrient re-cycling. The proposed PAC phosphorus treatment is very similar to what the Commission recently approved to occur at Crystal Lake.
- Staff noted plan/application deficiencies:
 - All plans should have titles, dates, legends, north arrows, authors, and scales.
 - The wetland resource area depictions (i.e., ConCom jurisdiction) are imprecise and inaccurate.
 - Areas of proposed water chestnut removal have not been provided.
 - Plans should clearly show locations of launching and spoil stockpiling.
- Applicant will rectify plan/application deficiencies
- Vote to continue hearing to June 25, 2020. [Motion: Lunin; Second: Hepburn; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Vote 7:0:0]

6. 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: Continue to 6/25/20.
- Documents Presented: Plan
- 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
- Staff Note: Because of the speed of the project development, staff did not get the required notice to the Environmental Monitor 14 days prior to filing. Staff contacted DEP and were advised to postpone the hearing until after the Environmental Monitor was published on June 10. Because the legal ad was posted, staff suggested that the hearing be opened and continued without deliberation. At the next public hearing the matter can be discussed in detail, the scope for hydroraking can be finalized, the scope of the landscaper can be finalized, conditions can be finalized, and the contract for the hydroraker and license for the landscaper can be reviewed.
- Updates:
 - Staff noted that the required solicitations for hydroraking contractors have been issued. The deadline for quotes is COB June 5.
 - Lisle Baker, Ward Councilor, noted that the Conservators have agreed to hold the community donations and oversee the contract with the landscaper, Robert Hanss.
 - Ken Lyons, Chestnut Hill Association, noted that donations have begun to be received (\$9000) and ~\$60,000 is anticipated.

- Ted Kuklinski, Newton Conservators, noted his enthusiasm for the project and his pleasure that accessibility will be increased.
- Commissioners noted their interest in getting work underway while the water level was still high.
- Vote to continue hearing to June 11, 2020, at 6:00pm. [Motion: Gilligan; Second: Lunin; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Vote 7:0:0]

7. 62 Carlton Road – OOC Amendment Request – lawn extension with associated grading, retaining walls, and plantings – DEP File #239-836

- Owner/Applicant: Hillcrest Development Representative: John Rockwood, EcoTec, Inc.
- Request: continue hearing.
- Documents Presented: none
- Jurisdiction: Buffer Zone, City Floodplain (proposed work outside floodplain)
- Vote to continue hearing to June 25, 2020. [Motion: Zabel; Second: Gilligan; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Vote 7:0:0]

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

III. ADMINISTRATIVE DECISIONS

8. Unrestricted Hydraulic Flow – Discussion

- Staff Notes:
 - The goal is to develop a guidance that can be reflected in proposed plans, OOC conditions, and administrative approvals.
 - The regulations and DEP offer minimal guidance (see guidance document)
 - The concern is ensuring that floodwaters can remain on-site.
- Staff Recommendation: Characteristics to consider:
 - Foundations
 - Foundation walls with openings (size required? covers allowed?) vs piers
 - Deck/house skirting
 - Required elevation from the ground
 - Required/allowed scale and orientation of openings in lattice, screen, or slats
 - Fences
 - Solid panel vs slat
 - Vertical slat vs horizontal slat
 - Elevated vs in the ground
 - parallel/perpendicular to stream flow
- Discussion: Commissioners noted methods to increase free flow, such as banning coverage near the ground, requiring apertures of at least 1 inch, requiring 50% of the area to be openings, etc. But ultimately Commissioners felt that more input was needed from others with more experience or scientific background. Jennifer Steel will ask colleagues and the MACC hotline network for insights and suggestions.

9. Review of Standard Conditions

- Staff Notes:
 - The goal is to reconsider the Commission’s standard perpetual conditions to ensure their appropriateness.
 - The three that should be reviewed and possibly revised are:
 - Enclosure of structures in flood zone
 - Lighting
 - Fertilizers, herbicides, pesticides
 - The concern is ensuring that floodwaters can remain on-site.
- Discussion: Commissioners worked to wordsmith the draft document to address concerns about light spill and fertilizer use.
- Consensus: The following language was agreed to

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

10. Minutes of 5/14/20 to be approved

- Documents Presented: draft minutes
- Staff Recommendations: Vote to accept the 5/14/20 minutes.
- Vote to approve the 5/14/20 minutes. [Motion: Katz; Second: Lunin; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Vote 7:0:0]

IV. ISSUES AROUND TOWN DECISIONS

11. City of Newton 2020-2027 Open Space and Recreation Plan

- Request: Sign a letter of support for the 2020-2027 Open Space and Recreation Plan.
- Staff Notes: The first draft of the OSRP was released for public review (and review by P&D and ZAP on 4/30. Susan Lunin and Jeff Zabel have been involved members of the OSRP Advisory Committee, but all members of the ConCom should review the draft plan. The state requires a letter of support from the Conservation Commission. Individual members of the ConCom may submit any comments to Conservation staff for consideration in the final draft.
- Discussion: One Commissioner noted concern that new trail connections not be held up by accessibility requirements that cannot be met (such as the stairs required to connecting the Upper Falls Greenway and the Charles River Pathway). Jennifer Steel will speak with the City’s ADA Coordinator to ensure that the requirements and allowances for trail construction are understood by all.
- Vote to sign a letter of support for the 2020-2027 Open Space and Recreation Plan. [Motion: Katz; Second: Lunin; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Vote 7:0:0]

UPDATES

V. WETLANDS UPDATES

VI. CONSERVATION AREA UPDATES

- COVID-19 heavy use: Trail repairs will be needed after use returns to more normal levels
- Old Deer Park: Maintenance contractors did their first pass of the season two weeks ago.
- Pending projects:
 - CRP stairs – hoping to get bid out as soon as the ADA variance is secured
 - Kessler boardwalk and bridge – bid language has been submitted to Purchasing
 - Webster stairs – temporary construction permit application has been submitted
 - Dolan crusher-run – waiting on materials estimate
 - Houghton Garden – hydroraking and trail work soon to be initiated
 - Old Deer Park – Dan Green asked that Jennifer Steel contact Dan Driscoll about improved pedestrian crossings on Hammond Pond Parkway.

VII. ISSUES AROUND TOWN UPDATES

- Invasive pulls are being coordinated.

VIII. ADMINISTRATIVE MATTER UPDATES

- ConCom 101 and Social Evening: Indefinitely postponed.
- EnviSci Summer Program may be affected by COVID-19, no update at this time.

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

CONSERVATION COMMISSION MINUTES

Date: June 11, 2020

Time: 6:00pm

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

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

With a quorum present, the meeting opened at 6:05 with 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. 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
- **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:



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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- 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.
- Presentation and Discussion:
 - Commissioners brought up some issues of redundancy in the published agenda.
 - Conservation staff discussed the DEP comments received on the filing and their discussions with the NERO circuit rider regarding the filing.
 - Staff went over some of the edits made to the filing materials in order to answer some of the questions had by DEP including swamp matting, equipment access, erosion controls, disposal locations, trail restoration, and restoration of disposal areas.
 - Commissioners were curious about what makes up the seed mix to be used in the disposal areas. Staff noted that it was a New England Wetland Plants Seed Mix of native species, detailed fully in the narrative provided in the packets.
 - Commissioners wanted it to be acknowledge that the disposal areas may need a second seed treatment. Staff hope that the organic materials disposed and clean loam for topping will be more likely to succeed the first time.
 - Staff communicated to Commissioners that SOLitude Lake Management was the only quote received for the project work and that we will be moving forward with the scope of services provided by them.
 - Staff communicated that the Conservators have agreed to the fund's holder for the Bob Hanss work to be contracted by the neighborhood.
 - Staff reviewed the scope of services for Bob Hanss proposed and one edit was requested and made to acknowledge that only 1 tree will be removed in the disposal site.
 - Staff clarified some portions of the proposed Bob Hanss work for Commissioners.
- Public Comment:
 - Councilor Lisle Baker, just wished to show his support for the project and encourage the City to approve the work.

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.

- Ken Lyons, stated that the neighborhood is very enthusiastic about the project and thanked the Commission for their work on it. The Commission also thanked Mr. Lyons for his work in fundraising for the project.
- Vote: To close the hearing and issue an Order of Conditions for the proposed hydro-raking and associated site and trail work with the special conditions discussed. [Motion: Jeff Zabel; Second: Susan Lunin; Roll-Call: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye); Vote: 6:0:0]
 - Erosion controls shall be installed around the spoil disposal site until the area is stable. Erosion control barriers shall be biodegradable compost sock or the equivalent.
 - Flashboards shall be installed and maintained in the weir to ensure that no sediment laden water exits the site.
 - Access for the hydrorake shall be through the main gates off Suffolk Road.
 - 1-3 panels of the fence along Suffolk Road may be removed temporarily to allow access to the northwest disposal site (Note: the fence and northwest disposal site are outside wetland jurisdiction).
 - Protective mats shall be installed between the trail and the launch/off-load location.
 - At no time shall the hydrorake, miniexcavator, or hand operators disturb the bottom mineral substrate, bank, or bordering vegetated wetland. All work shall be conducted in such a manner as to pass raked organic material to the waiting bin without damage to the bottom, bank, or bordering vegetated wetland.
 - All hydro-raked material shall be deposited in a bin at the off-load area and transported directly to the appropriate disposal site. The coarsest material shall be deposited in the old swimming pool in the Old Deer Park. The next coarsest material shall be spread on the bottom of the Suffolk Road disposal site. The finest material shall be spread at the Green Line disposal site and on top of the Suffolk Road disposal site.
 - All mini-excavator and hand raked materials shall be deposited into a bin or skid-steer truck for direct transport to the appropriate disposal/restoration site. The coarsest material shall be deposited in the old swimming pool in the Old Deer Park. The next coarsest material shall be spread on the bottom of the Suffolk Road disposal site. The finest material shall be spread at the Green Line disposal site and on top of the Suffolk Road disposal site.
 - 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.
 - 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.
 - Native shrubs and/or trees may be added to the restoration areas upon approval of Conservation staff.
 - Stone dust and wood chip trail treads shall be restored or created to 3-6 feet wide. Stone dust shall be installed or restored to be at least 4" thick. Woodchips shall be installed 6-8" in depth.

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.
- Presentation and Discussion:
 - Staff met with owner last year and provided feedback on owner's intentions for site improvements. Staff acknowledge that the area between the house and the Charles River was not native plantings or in the best ecological health, but that no work was approved in the area beyond the limit of work shown on the plan.
 - Owner proceeded with that work without a permit, clearing vegetation (mostly groundcover and scrub growth) down to the riverbank.
 - The owner did secure a tree removal permit but exceeded it and intends to plant more trees as a result. One additional (dying) tree was also removed outside of the removal approved under the tree permit at the request of the adjacent property.
 - 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 consisting of a compost sock will be required along the riverbank.

- Vote: Issue an Enforcement Order requiring a Notice of Intent be filed no later than 6/30/20 for a restoration plan of the Riverfront Area and Flood Zone at 55 Bernard. [Motion: Susan Lunin; Second: Judy Hepburn; Roll-Call: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye); Vote: 6:0:0]

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

ADJOURN

- Vote to adjourn at 6:57PM. [Motion: Judy Hepburn; Second: Leigh Gilligan; Roll-Call: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye); Vote 6:0:0]
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