

# CONSERVATION COMMISSION AGENDA

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, August 27, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the August 27, 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](mailto:jsteel@newtonma.gov) and [crundelli@newtonma.gov](mailto: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. **Presentation – Connector Stairs at Norumbega – Eagle Scout Project**
  - Owners: City of Newton Applicant: Alex Morefield
  - Request: Eagle Scout candidate Alex Morefield will present his proposal for installing box stairs in Norumbega Conservation Area
2. **39 Norwood Avenue – NOI (cont'd) – demo of greenhouse and shed/construction of SFH addition – DEP File #239-873**
  - Owner/Applicant: John Shields Representative: self
  - Request: Issue OOC.
3. **210 Upland Avenue – NOI (cont'd) – proposed retaining wall – DEP File #239-XXX**
  - Owner/Applicant: Matthew Border Representative: Karon Skinner Catrone
  - Request: Issue OOC.
4. **35 Spiers Road – NOI (cont'd) – teardown/rebuild single-family home with associated site features – DEP File #239-872**
  - Owner/Applicant: Andrey Agamov Representative: Karon Skinner Catrone
  - Request: Issue OOC.
5. **791 Walnut Street – NOI – ecological restoration – DEP File #239-874**
  - Owner: Newton Cemetery Corporation (NCC) Applicant: Mary Ann Buras, NCC
  - Request: Issue OOC.
6. **24 Village Road – NOI (cont'd) – construction of new detached garage and new driveway – DEP File #239-866**
  - Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
  - Request: Continue hearing to 10/8/20.
7. **56 North Street – COC – teardown/rebuild SFH – DEP File #239-760**
  - Owner/Applicant: Tramy and Sinclair Lao Representative: none
  - Request: Issue COC.

### II. CONSERVATION AREA DECISIONS

8. **Trail Proliferation in Webster Conservation Area**

### III. ADMINISTRATIVE DECISIONS

9. **Tree Replacement Policy**
10. **Amenities in Buffer Zone**
11. **Minutes of 8/6/20 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**



**Mayor**  
Ruthanne Fuller

**Director**  
**Planning & Development**  
Barney Heath

**Chief**  
**Environmental Planner**  
Jennifer Steel

**Assistant**  
**Environmental Planner**  
Claire Rundelli

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

1000 Comm. Ave.  
Newton, MA 02459  
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[www.newtonma.gov](http://www.newtonma.gov)

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## DECISIONS

### I. WETLANDS DECISIONS

#### 1. Presentation – Connector Stairs at Norumbega – Eagle Scout Project

- Owners: City of Newton    Applicant: Alex Morefield
- Request: Eagle Scout candidate Alex Morefield will present his proposal for installing box stairs to connect the riverbank and bluff outside the restoration area in the Norumbega Conservation Area
- Documents Presented: Presentation by Alex Morefield
- Jurisdiction: Buffer Zone, RFA
- 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."

Riverfront Area: 10.58(4)

- (c) No 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 ..., 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.

- Staff Notes:
  - Staff have met with Alex on site to discuss the project and feel that a connector stair is definitely needed in this location.
  - The slope restoration has been successful, and staff feel that a connector stair will continue to provide people access to walk along the river past the restoration area, while avoiding people walking through the restoration.
- Staff Recommendations: If appropriate, vote to approve this project on Con Com land.

#### 1. 39 Norwood Avenue – NOI (cont'd) – demo of greenhouse and shed/construction of SFH addition – DEP File #239-873

- Owner/Applicant: John Shields    Representative: self
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC



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- Jurisdiction: Buffer Zone
  - Performance Standards
    - **Buffer Zone. 10.53(1): General Provisions** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
  - Project Summary
    - Demolish existing greenhouse and shed structures. Remove existing stone wall and raised planter beds to allow for re-grading of yard area.
    - Construct addition onto single family home where existing greenhouse and shed are located. Increase in impervious area within jurisdiction is roughly ~289.5 s.f.
    - Relocate 5 existing lilac and buckeye plants to accommodate the construction. Replace existing distressed crab apple tree with a river birch.
    - Plant 6 shrubs and a variety of native perennials along the retaining wall which marks the edge of the pond. The applicant is also proposing either 2 paper birches or 1 pagoda dogwood sapling.
  - Staff Notes
    - The applicant has added additional proposed work to the plans including the regrading of the backyard area and mitigation plantings.
    - The recalculated impervious area for the lot shows that drainage is required for the project under City of Newton requirements. All aspects of the proposed drainage system need to be shown on the proposed plan and an appropriate HydroCAD report should be provided to ensure that the Newton stormwater requirements are met.
    - The proposed regrading in the rear yard goes directly through proposed erosion controls. Erosion controls should be shifted to accommodate and protect the Lake during the regrading process.
    - There are symbols provided for the proposed plant species in the legend, but no symbols are shown on the plan sheet, so Conservation staff are unsure of exactly which plantings are proposed where. Applicant should clarify or label proposed plantings on plan to determine if locations are appropriate for the proposed species, including the rain garden.
    - The Commission should determine if the proposed mitigation plantings are appropriate for the increase in impervious area within buffer zone.
  - Staff Recommendations: If appropriate revisions are received by Conservation staff prior to the meeting, vote to close the hearing and issue an Order of Conditions with the standard landscape condition.
- 2. 210 Upland Avenue – NOI (cont’d) – proposed retaining wall – DEP File #239-XXX**
- Owner/Applicant: Matthew Border Representative: Karon Skinner Catrone
  - Request: Issue OOC.
  - Documents Presented: none
  - Jurisdiction: Buffer Zone, 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.

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

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- Project Summary
    - Remove existing small retaining wall from the yard and 7 existing trees (~63 caliper inches).
    - Construct a new retaining wall set 1' back from the northern property boundary with a maximum height of 9'.
    - Infill area between existing wall (to be removed) and proposed wall to create level lawn.
    - Install plantings along the rear side of the proposed retaining wall to provide screening for the northern neighbors at 200 Upland Ave.
    - Install wildlife passage tunnel under in-filled lawn area.
    - **OUTSIDE JURISDICTION:** Raise the height of existing retaining walls along the property edges to match new retaining wall and install patio.
  - Staff Notes:
    - No DEP File number has been issued for the project, despite the application being submitted in May. Staff have asked the projects representative's multiple times to follow up with DEP, but no entry line for the filing is available for the filing on the state lookup. Applicant should ensure that the updated plans and appropriate fees have been submitted to DEP.
    - Staff have concerns about the existing trees on the adjacent lot of 97 Bound Brook, whose roots will be impacted by the installation of the retaining wall. Has the applicant discussed replacement of those trees should they be impacted with the neighbor?
    - The proposed climbing hydrangeas for wall screening are not native. A native species should be proposed if wall screening is of importance to the applicant.
    - The proposed plantings (climbing hydrangeas) do not seem enough for the proposed tree removal for the project.
    - The proposed wildlife tunnel does not seem like a practical solution for ensuring wildlife access across the parcel.
    - Has the applicant secured a tree permit? If they have owned the residence for less than 18 months a tree permit needs to be secured for all removal of trees over 8" dbh.
  - Staff Recommendations: None at this time.
- 3. 35 Spiers Road – NOI (cont'd) – teardown/rebuild single-family home with associated site features – DEP File #239-872**
- Owner/Applicant: Andrey Agamov Representative: Karon Skinner Catrone
  - Request: Issue OOC.
  - Documents Presented: Colored plans, site photos, draft OOC
  - Jurisdiction: Buffer Zone
  - Performance Standards
    - **Buffer Zone. 10.53(1): General Provisions** "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work."
  - Project Summary
    - Demolish existing single-family home.
    - Construct new single-family home with associated patio within the outer 50' of the buffer zone. Install 2 infiltration systems to collect roof and driveway runoff.
    - Increase in impervious area within the buffer zone is roughly 610 s.f.
    - Plant 3 sugar maple saplings, 3 common bearberry shrubs, 12 lowbush blueberries, and 5 sweet ferns as mitigation.
    - Replace existing fence.
  - Staff Notes
    - Applicant stated at the last meeting that the limit of work line is workable, but staff still feel it is unrealistically close to the edge of grading, excavation, and construction.
    - A note regarding tree protection has been added to the plans. A detail for tree protection has been provided but in an informal presentation. Staff have required that tree protection be shown on the plans to demonstrate that the proposed tree protection (with fence at the dripline) will disrupt the proposed erosion control line due to the size of the maple in the rear yard.
    - Applicant has added 12 lowbush blueberries to the mitigation planting plan.
    - Staff have concerns about the arrangement of plants, with the sweet fern and lowbush blueberry at the front of the area, are sufficient to properly demarcate a mitigation planting area. The Commission should consider if they

would like some of the maple saplings moved to the front or have a small landscape fence installed until a Certificate of Compliance ensures survival to more clearly demarcate the natural area not to be mowed.

- **Staff Recommendations:** If appropriate revisions regarding erosion control and tree protection are received prior to the meeting, vote to close the hearing and issue an Order of Conditions with the following special conditions.
  - Should any of the three trees on the lot die within two years of construction or are shown to have been demonstrably harmed by the construction, these trees will be replaced at a ratio of 2:1.
  - Tree protection shall include orange snow fence installed along the dripline of the tree.
  - All landscape plantings must survive two growing seasons at 100%.
  - The new fence installed on the site must be elevated 6" from the ground to allow for wildlife passage.

#### 4. 791 Walnut Street – NOI – ecological restoration – DEP File #239-874

- **Owner:** Newton Cemetery Corporation (NCC) **Applicant:** Mary Ann Buras, NCC
- **Request:** Issue OOC.
- **Documents Presented:** Plans, site photos, draft OOC
- **Jurisdiction:** Buffer Zone, Riverfront Area, City Floodplain
- **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.
  - **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**
  - Ex post facto work: In 2018, the cemetery underwent significant landscape renovations including tree removal around the 4 ponds (detailed on plan sheets under "removal year"). These renovations also included removal of overgrown and invasive vegetation along the stream corridor and subsequent restoration with native plantings. Small infrastructure improvements were also done on the stream corridor including the removal of 2 concrete sluiceways and the a small new connection between the existing bridge to the existing pathway.
  - Total tree removal completed and proposed is 30 trees, equaling roughly 339 caliper inches removed.
  - Total tree plantings completed and proposed is 79 trees, equaling roughly 218 caliper inches planted.
  - Shrub removal did occur during the stream restoration and is further proposed under the current plan.
  - Total shrub plantings completed and proposed is 829.
  - The majority of the shrubs planted and proposed are native (633/829 total shrubs) and roughly half the caliper inches of trees planted and proposed are native (113"/218").
- **Staff Notes**
  - Applicant should clarify if any further tree removal is proposed or if all/some of the trees listed as "removed in 2020" are still standing.

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- Applicant should clarify any further planting seasons at the cemetery. As any permit issued will be valid for 3 years, it seems as though all proposed landscape work within jurisdiction (for the next three years) should be proposed at this time for it all to be approved under the same order.
- Staff Recommendations: If appropriate, vote to close the hearing and issue an Order of Conditions.

**5. 24 Village Road – NOI (cont’d) – construction of new detached garage and new driveway – DEP File #239-866**

- Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
- Request: Continue hearing to 10/8/20.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Riverfront Area
- Project Summary
  - Construction of a 24’x26’ detached, 2-car garage. Existing garage will be converted to storage.
  - Pouring of a new asphalt driveway that begins at 12’ in width at the curb cut and expands gradually to be 22’ wide where it meets the proposed garage.
  - The project will result in a ~1200 s.f. increase in impervious area, all within the outer riparian zone.
  - Installation of underground infiltration chambers and trench drain will collect runoff from driveway and new roof.
  - Installation of 3 mitigation planting areas will total 1211 s.f.
- Staff Notes: Applicant’s legal representation has finished a preliminary review that did bring up any information about the 25’ setback, so they are continuing the search into the hard records at the registry. They are requesting a continuance to confirm existence of a 25’ setback preventing construction of the garage in the current location.
- Staff Recommendations: Vote to accept the continuation request to the 10/8/20 Conservation Commission meeting.

**6. 56 North Street – COC – teardown/rebuild SFH – DEP File #239-760**

- Owner/Applicant: Tramy and Sinclair Lao Representative: none
- Request: Issue COC.
- Jurisdiction: Riverfront Area
- Staff Notes: Staff site visit on 8/10/20 confirmed compliance.
- Staff Recommendations: Vote to issue a complete Certificate of Compliance.

**II. CONSERVATION AREA DECISIONS**

**7. Trail Proliferation in Webster Conservation Area**

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

**III. ADMINISTRATIVE DECISIONS**

**8. Tree Replacement Policy**

- Documents Presented: Tree Replacement Guidelines - Draft Update
- Staff Notes: Based on discussion at several previous Conservation Commission meetings, staff have drafted an update to the tree replacement guidelines for the Commission to review.
- Staff Recommendation: Discuss draft guidelines and, if appropriate, vote to approved updated guidelines.

**9. Amenities in Buffer Zone**

- Documents Presented: Commissioner Email
- Staff Notes: Ellen Katz brought up concerns about benches causing/attracting the accumulation of trash
- Staff Recommendation: Commission should determine if there is an interest in developing a policy regarding amenities (e.g., benches, memorial benches, pet waste stations, picnic tables, etc.) in the 100’ buffer zone.

**10. Minutes of 8/6/20 to be approved**

- Documents Presented: Draft Minutes
- Staff Recommendations: Vote to accept the 8/6/20 minutes.

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

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**UPDATES**

**V. WETLANDS UPDATES**

**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 another round of maintenance on 8/16/20.
  - CRP stairs – AAB variance application has been submitted!
  - Kessler boardwalk and bridge – A bid was released 6/18 but no bids were received. Staff have reached out and are anticipating an estimate from another firm with which we have worked before.
  - Webster stairs – We have submitted our permit approval back to DCR and hope to begin work by September.
  - Dolan crusher-run – We have received a material estimate and are hoping for a more thorough estimate for the entire levelling project, as the materials cost was well under what was anticipated.
  - Houghton Garden hydroraking and trail work – Work due to begin as soon as the team can assemble and the water level is appropriate.

**VII. ISSUES AROUND TOWN UPDATES**

- OSRP: We received our conditional approval from the state; staff are working to address state-requested edits.
- MassTrails Grant: Staff met with DCR two weeks ago to kick off the Christina Street bridge project.

**VIII. ADMINISTRATIVE MATTER UPDATES**

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

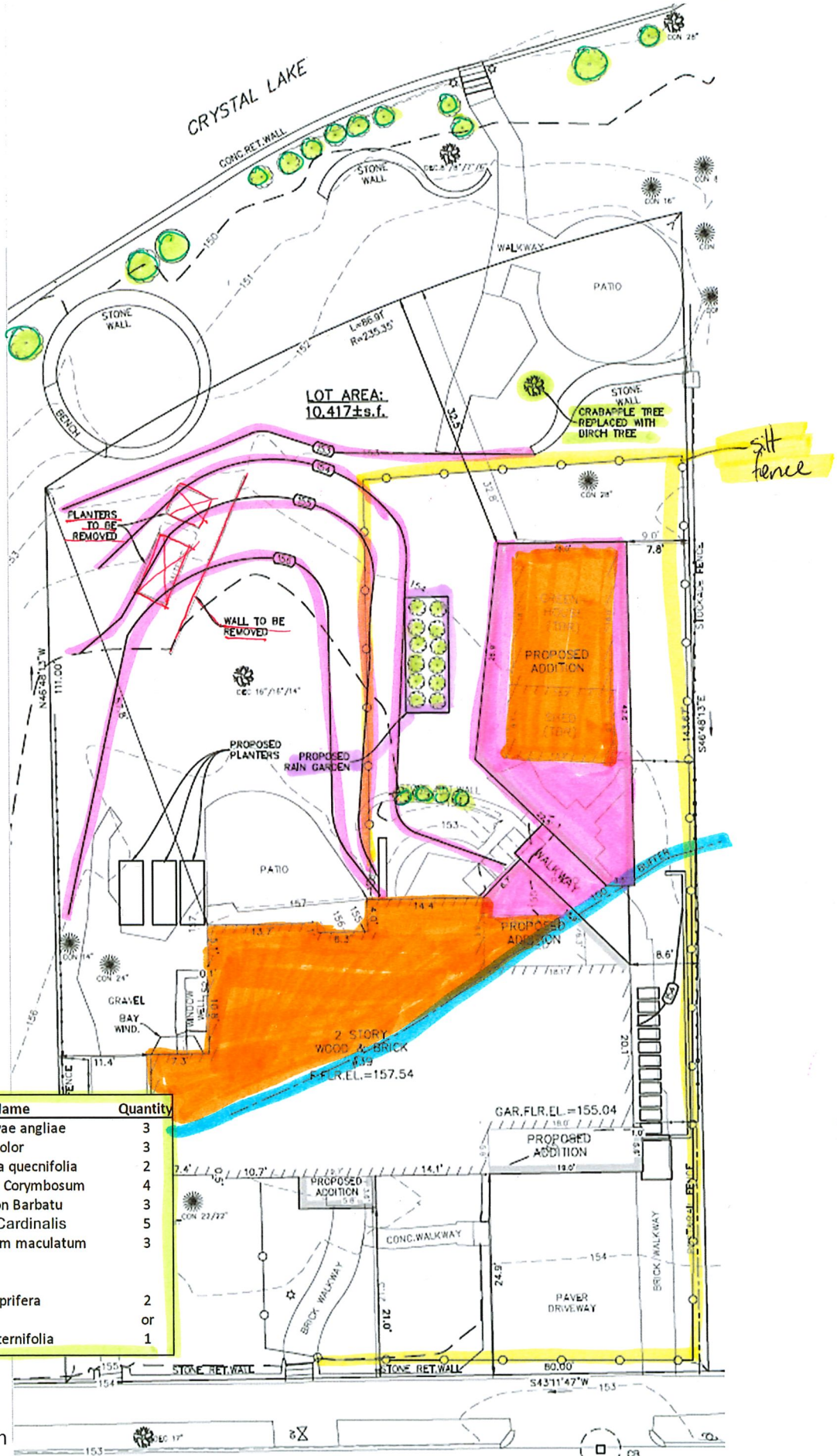
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**ADJOURN**

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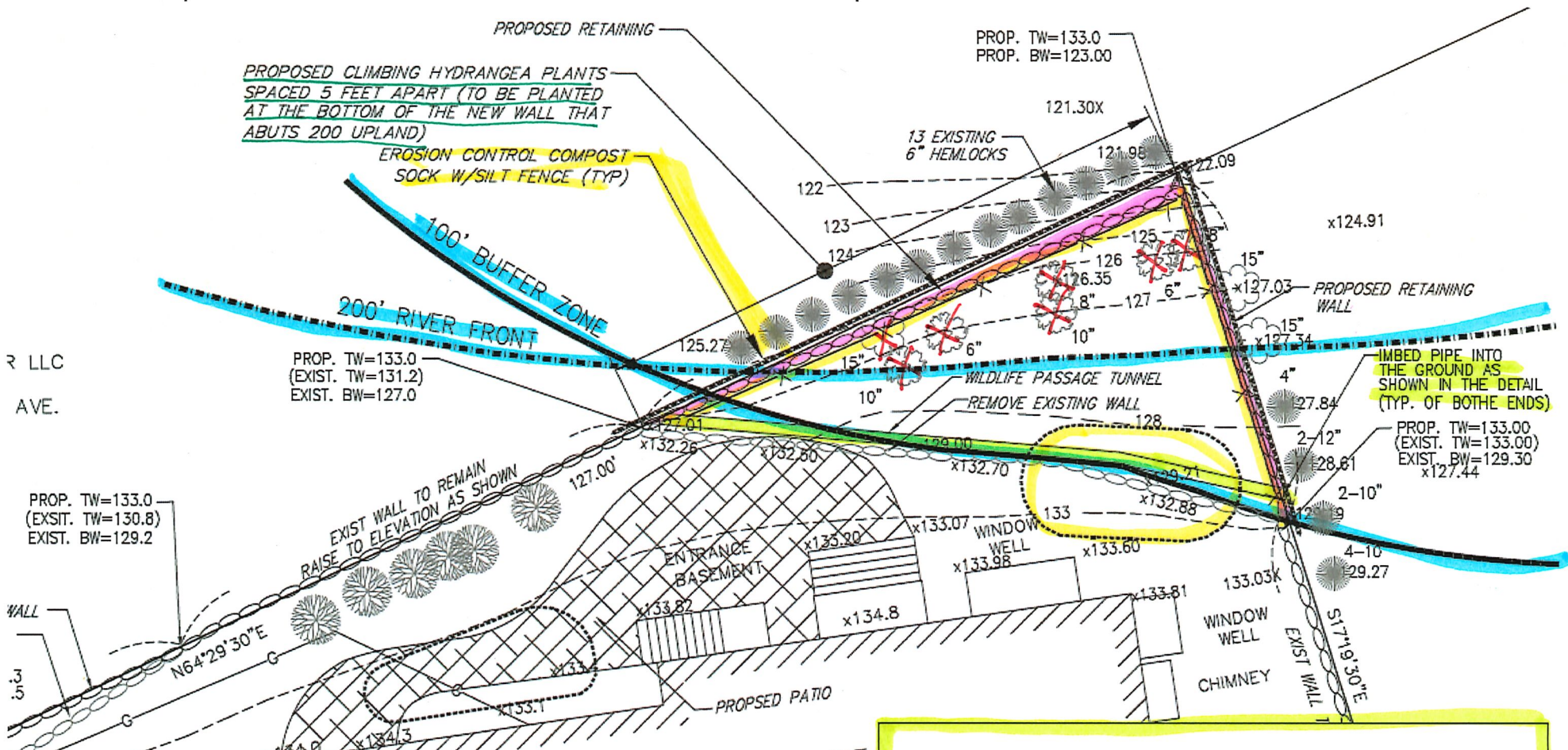
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Common Name	Scientific Name	Quantity
Aster New England	<i>Aster, novae angliae</i>	3
Iris, Blue Flag	<i>Iris Versicolor</i>	3
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>	2
Low bush Blueberries	<i>Vaccilium Corymbosum</i>	4
Beardtongue	<i>Penstemon Barbatu</i>	3
Cardinal Flower	<i>Lobelia Cardinalis</i>	5
Joe Pye Weed	<i>Eupatorium maculatum</i>	3
<b>TREE</b>		
Paper Birch	<i>Betula papyrifera</i>	2
or		
Pagoda Dogwood	<i>Cornus alternifolia</i>	1





R LLC  
AVE.

PROP. TW=133.0  
(EXIST. TW=130.8)  
EXIST. BW=129.2

PROP. TW=133.0  
(EXIST. TW=131.2)  
EXIST. BW=127.0

EXIST WALL TO REMAIN  
RAISE TO ELEVATION AS SHOWN

ENTRANCE  
BASEMENT

WINDOW  
WELL

WINDOW  
WELL

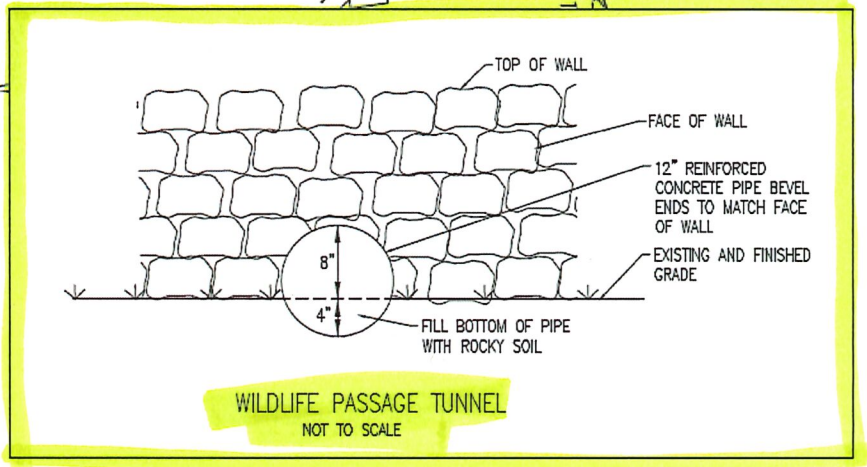
CHIMNEY

EXIST WALL

IMBED PIPE INTO  
THE GROUND AS  
SHOWN IN THE DETAIL  
(TYP. OF BOTHE ENDS)

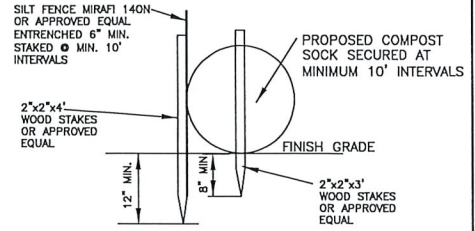
PROP. TW=133.00  
(EXIST. TW=133.00)  
EXIST. BW=129.30  
x127.44

DENOTES EXISTING CHERRY TREES	
DENOTES EXISTING HEMLOCK TREES	
DENOTES EXISTING ASH TREES	
DENOTES EXISTING MISCELLANEOUS TREES	
DENOTES EXISTING CONTOUR	--- 128 ---
DENOTES EXISTING SPOT GRADE	x129.21
TYPICAL STOCKPILE AND STAGING AREA	



# 35 SPIERS RD - PROPOSED CONDITIONS

8127/20



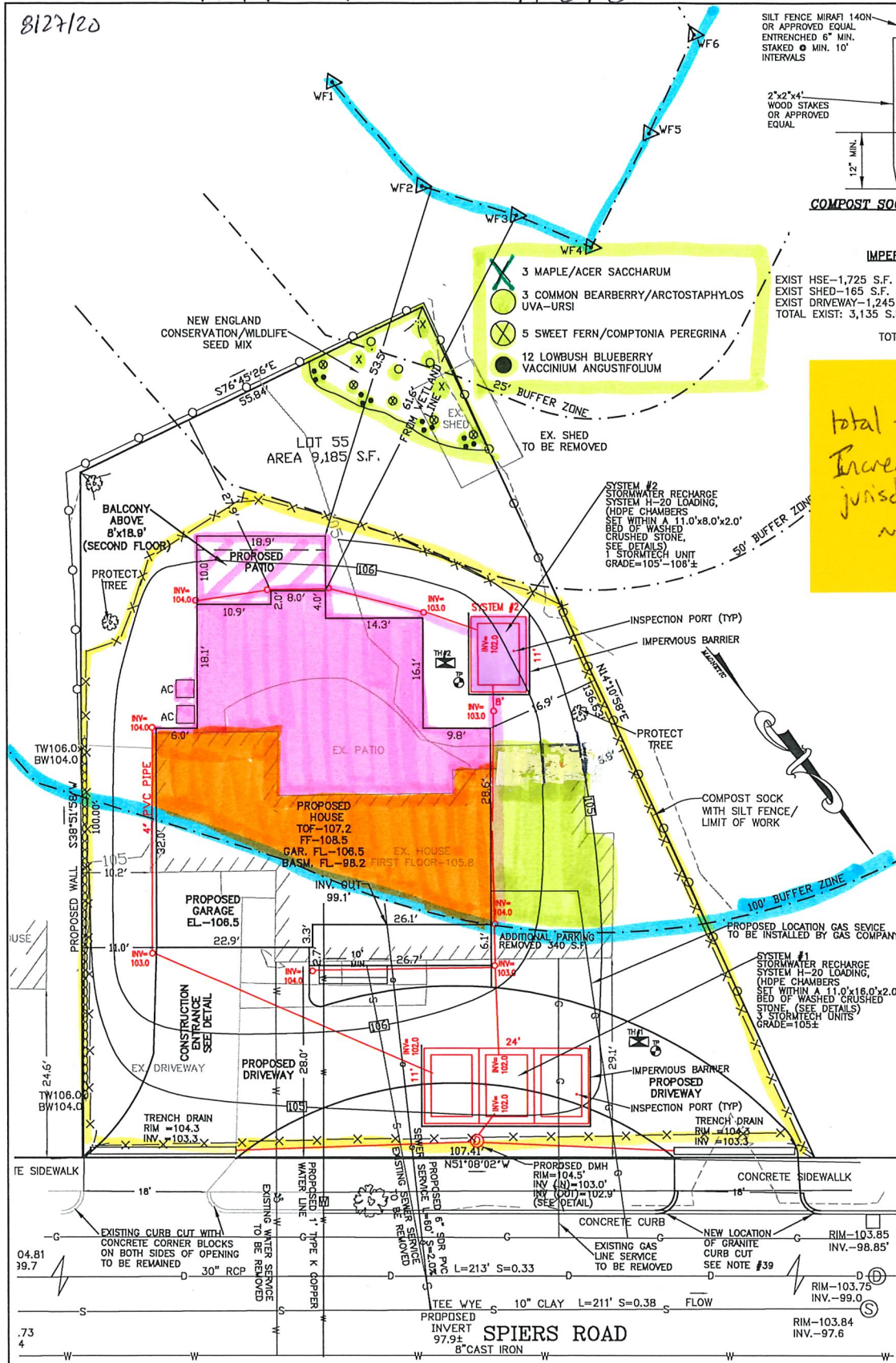
**COMPOST SOCK AND SILT FENCE DETAIL**  
NOT TO SCALE

**IMPERVIOUS AREA:**

EXIST HSE-1,725 S.F.	PROPOSED HSE-2,360 S.F.
EXIST SHED-165 S.F.	PROPOSED DRIVEWAY-1,690 S.F.
EXIST DRIVEWAY-1,245 S.F.	TOTAL PROPOSED: 4,050 S.F.
TOTAL EXIST: 3,135 S.F.	TOTAL INCREASED AREA: 915 S.F.

↑  
 total for entire lot.  
 Increase for within  
 jurisdiction is  
 ~ 630 s.f.

- 3 MAPLE/ACER SACCHARUM
- 3 COMMON BEARBERRY/ARCTOSTAPHYLOS UVA-URSI
- 5 SWEET FERN/COMPTONIA PEREGRINA
- 12 LOWBUSH BLUEBERRY VACCINIUM ANGUSTIFOLIUM

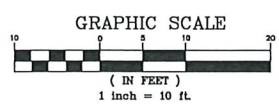


**PROPOSED SITE PLAN**  
 35 SPIERS ROAD  
 NEWTON, MA 02459  
 SCALE: 1"=10' DATE: JUNE 12, 2020  
 REV. DATE: AUGUST 13, 2020  
 AUGUST 18, 2020

**NOTES:**  
 1. THE DATUM IS CITY OF NEWTON BASE.

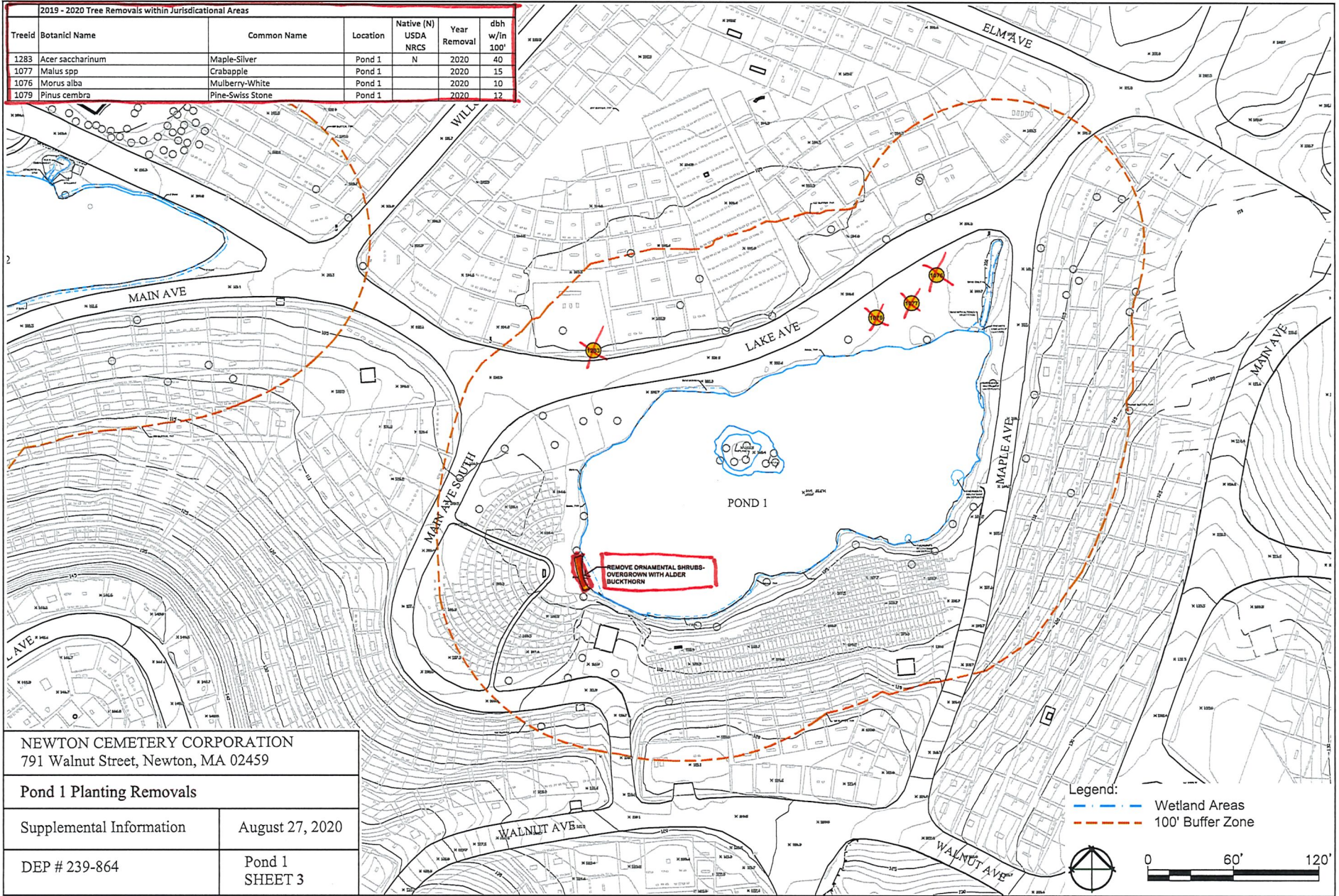
EXISTING HOUSE 1,725 S.F.  
 1,280 S.F. INSIDE 100' BUFFER ZONE  
 EXISTING SHED 160 S.F. INSIDE 50' BUFFER ZONE  
 EXISTING SHED 5 S.F. INSIDE 25' BUFFER ZONE

PROPOSED HOUSE 2,228 S.F.  
 1,640 S.F. INSIDE 100' BUFFER ZONE



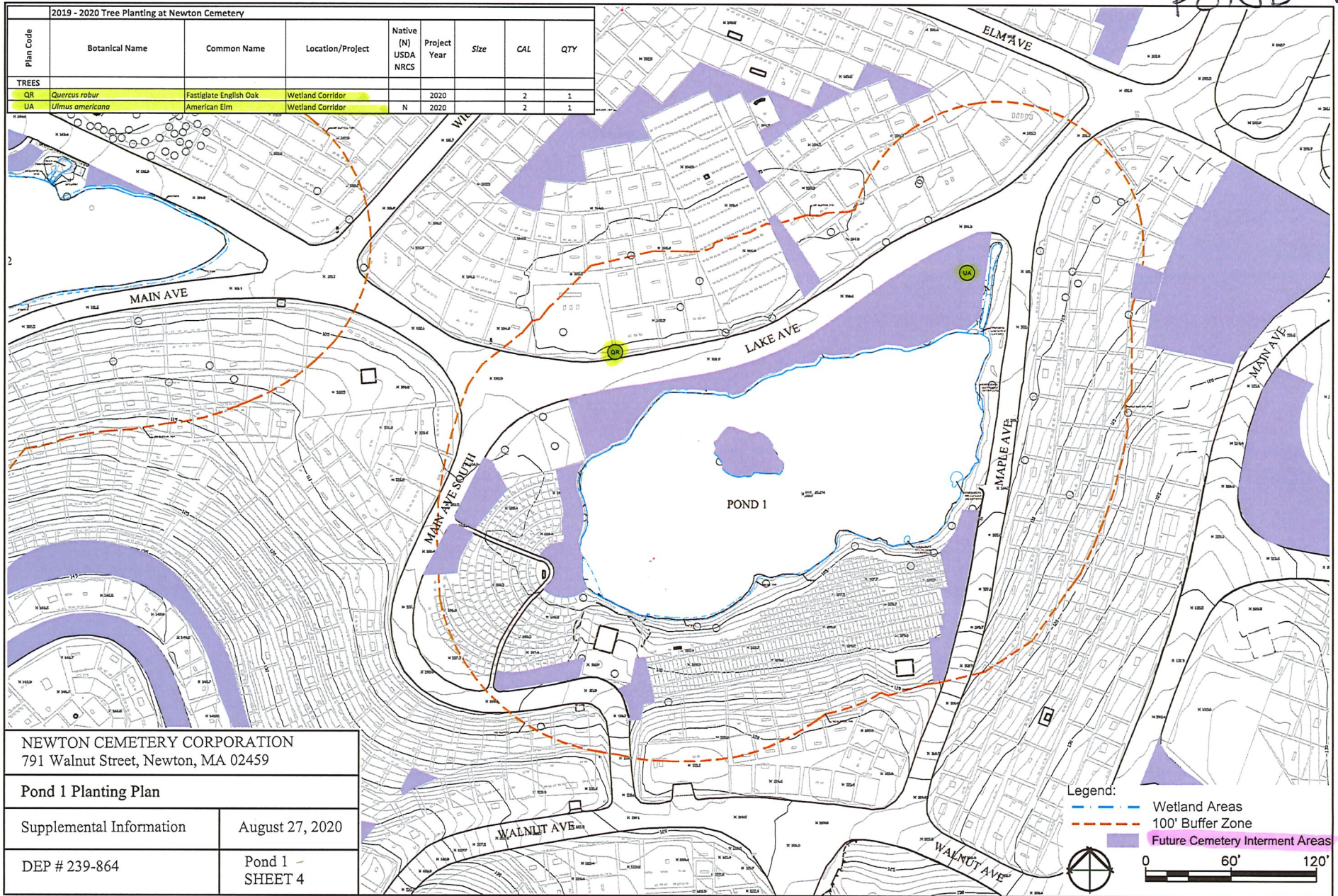
# 791 WALNUT ST - POND 1 TREE / VEG. REMOVAL

2019 - 2020 Tree Removals within Jurisdictional Areas						
Treid	Botanical Name	Common Name	Location	Native (N) USDA NRCS	Year Removal	dbh w/in 100'
1283	Acer saccharinum	Maple-Silver	Pond 1	N	2020	40
1077	Malus spp	Crabapple	Pond 1		2020	15
1076	Morus alba	Mulberry-White	Pond 1		2020	10
1079	Pinus cembra	Pine-Swiss Stone	Pond 1		2020	12



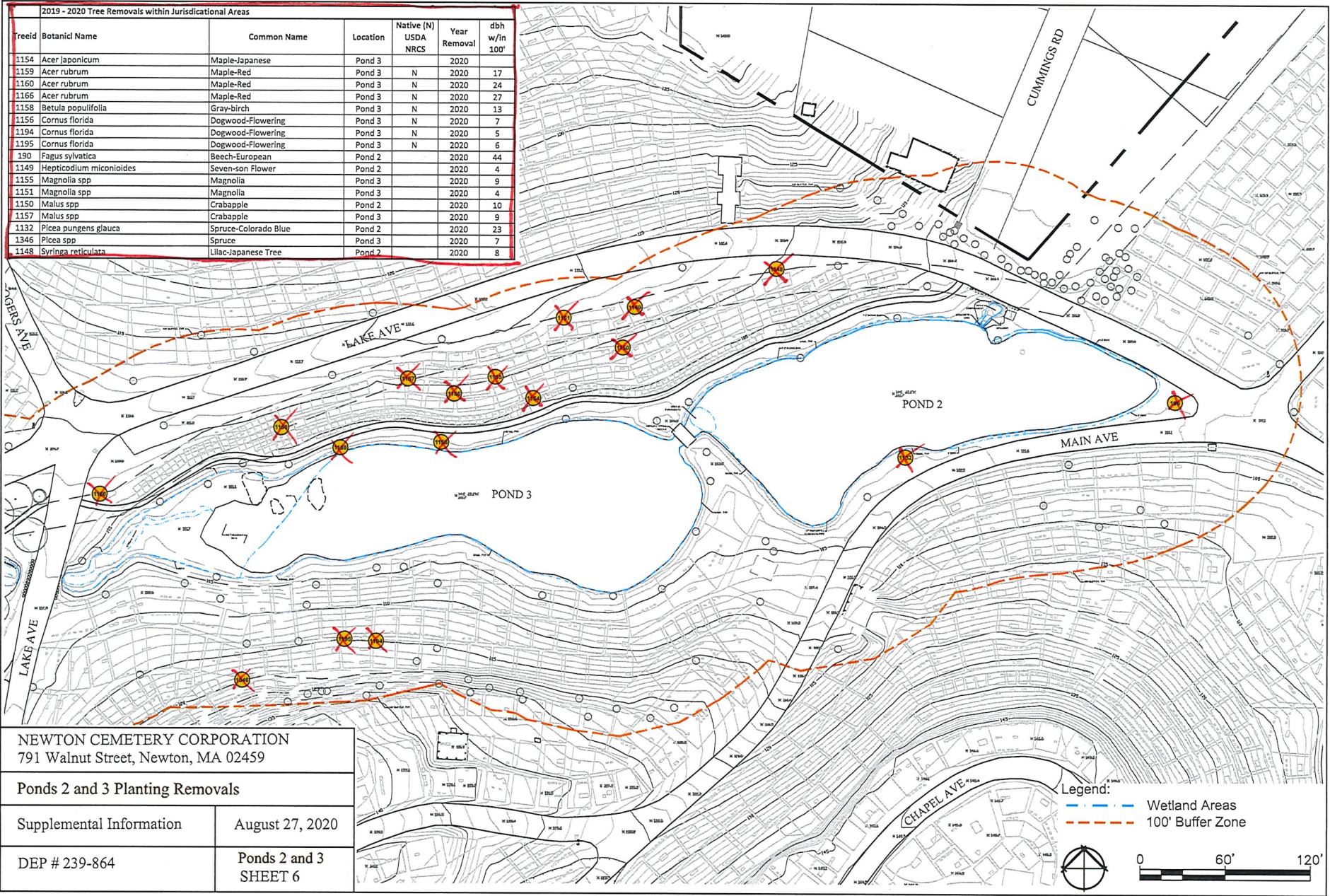
NEWTON CEMETERY CORPORATION 791 Walnut Street, Newton, MA 02459	
Pond 1 Planting Removals	
Supplemental Information	August 27, 2020
DEP # 239-864	Pond 1 SHEET 3

# 791 WALNUT ST - PROPOSED PLANTING PLAN POND 1



# 791 WALNUT ST- POND 2+3 TREE REMOVAL

2019 - 2020 Tree Removals within Jurisdictional Areas						
Treeid	Botanical Name	Common Name	Location	Native (N) USDA NRCS	Year Removal	dbh w/in 100'
1154	<i>Acer japonicum</i>	Maple-Japanese	Pond 3		2020	
1159	<i>Acer rubrum</i>	Maple-Red	Pond 3	N	2020	17
1160	<i>Acer rubrum</i>	Maple-Red	Pond 3	N	2020	24
1166	<i>Acer rubrum</i>	Maple-Red	Pond 3	N	2020	27
1158	<i>Betula populifolia</i>	Gray-birch	Pond 3	N	2020	13
1156	<i>Cornus florida</i>	Dogwood-Flowering	Pond 3	N	2020	7
1194	<i>Cornus florida</i>	Dogwood-Flowering	Pond 3	N	2020	5
1195	<i>Cornus florida</i>	Dogwood-Flowering	Pond 3	N	2020	6
190	<i>Fagus sylvatica</i>	Beech-European	Pond 2		2020	44
1149	<i>Heptacodium miconioides</i>	Seven-son Flower	Pond 2		2020	4
1155	<i>Magnolia spp</i>	Magnolia	Pond 3		2020	9
1151	<i>Magnolia spp</i>	Magnolia	Pond 3		2020	4
1150	<i>Malus spp</i>	Crabapple	Pond 2		2020	10
1157	<i>Malus spp</i>	Crabapple	Pond 3		2020	9
1132	<i>Picea pungens glauca</i>	Spruce-Colorado Blue	Pond 2		2020	23
1346	<i>Picea spp</i>	Spruce	Pond 3		2020	7
1148	<i>Syringa reticulata</i>	Lilac-Japanese Tree	Pond 2		2020	8



NEWTON CEMETERY CORPORATION  
791 Walnut Street, Newton, MA 02459

Ponds 2 and 3 Planting Removals

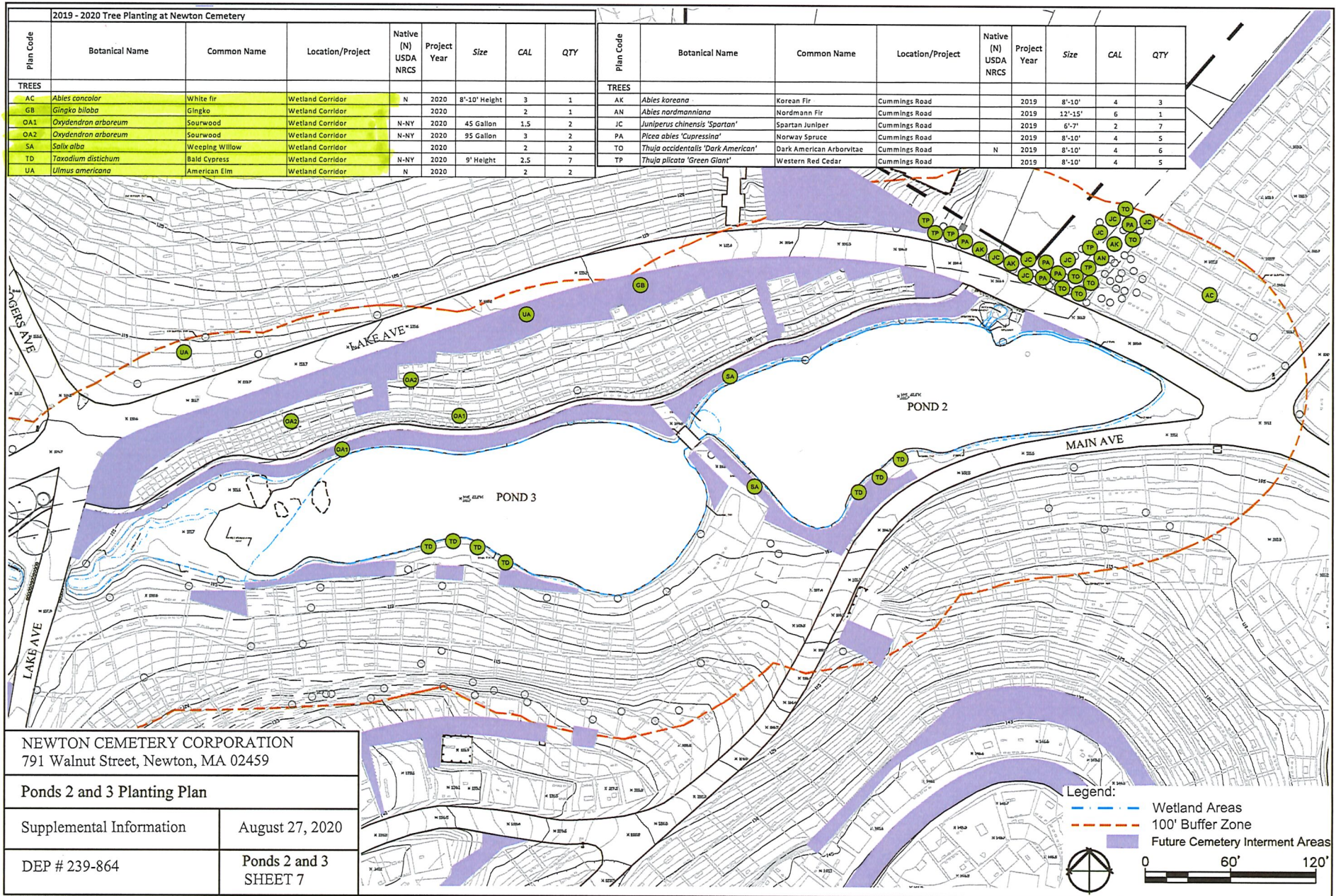
Supplemental Information	August 27, 2020
DEP # 239-864	Ponds 2 and 3 SHEET 6

Legend:

- Wetland Areas
- 100' Buffer Zone

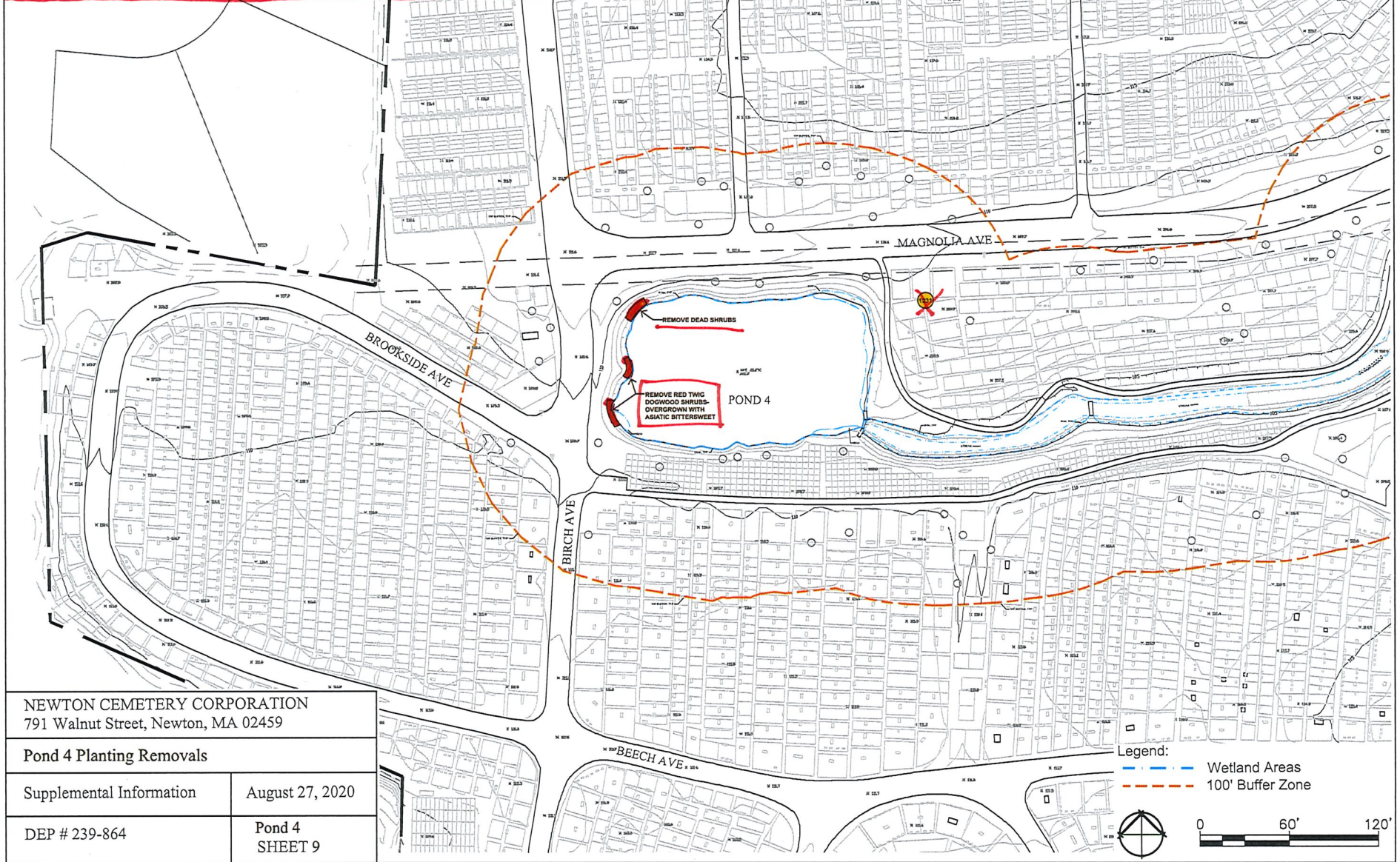
0 60' 120'

# 791 WALNUT ST - POND 2 + 3 PROPOSED PLANTING



# 791 WALNUT ST - POND 4 TREE/VEG REMOVAL

2019 - 2020 Tree Removals within Jurisdictional Areas						
Treed#	Botanical Name	Common Name	Location	Native (N) USDA NRCS	Year Removal	dbh w/in 100'
1231	<i>Picea pungens glauca</i>	Spruce-Colorado Blue	Pond 4		2020	7



NEWTON CEMETERY CORPORATION  
791 Walnut Street, Newton, MA 02459

Pond 4 Planting Removals

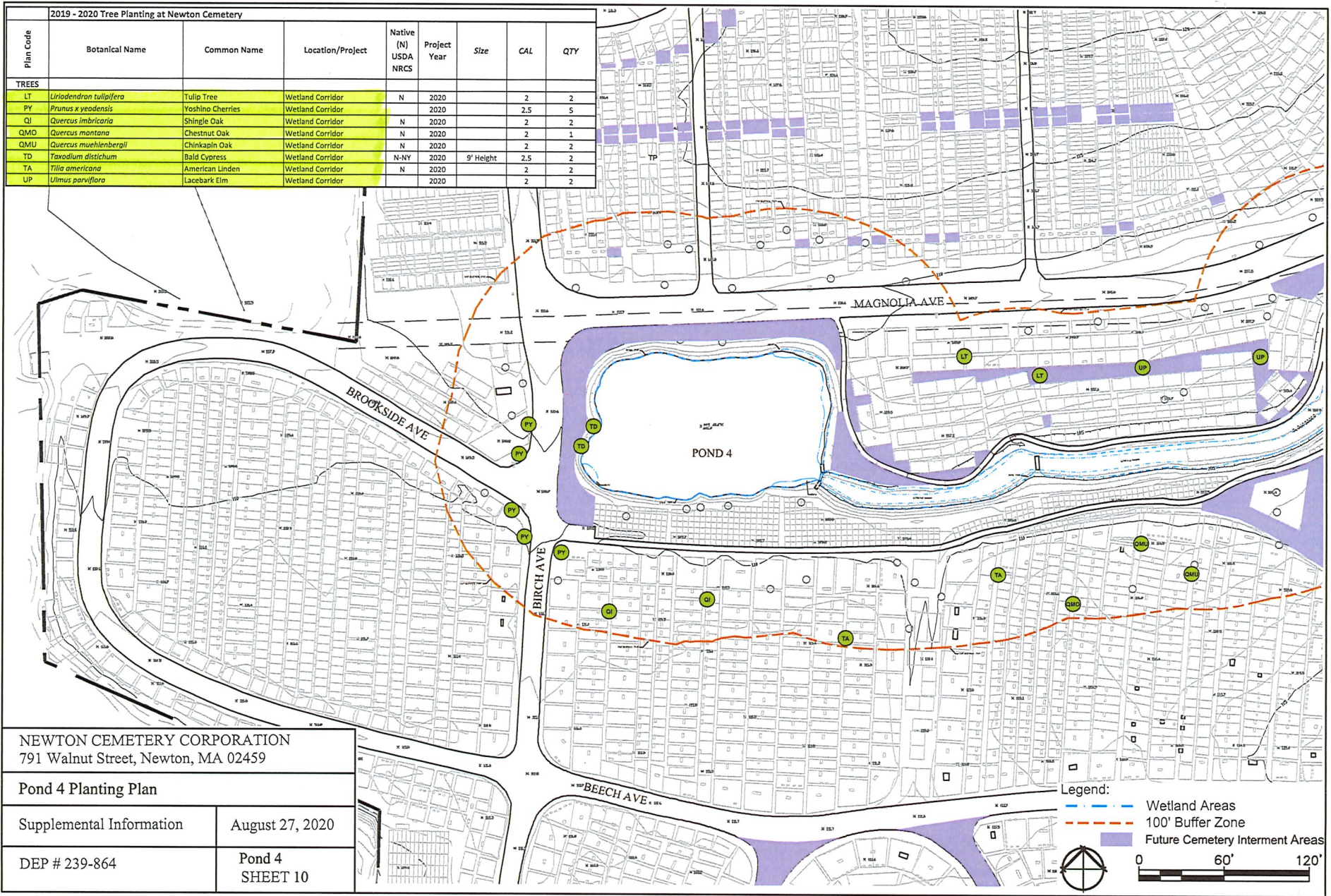
Supplemental Information

August 27, 2020

DEP # 239-864

Pond 4  
SHEET 9

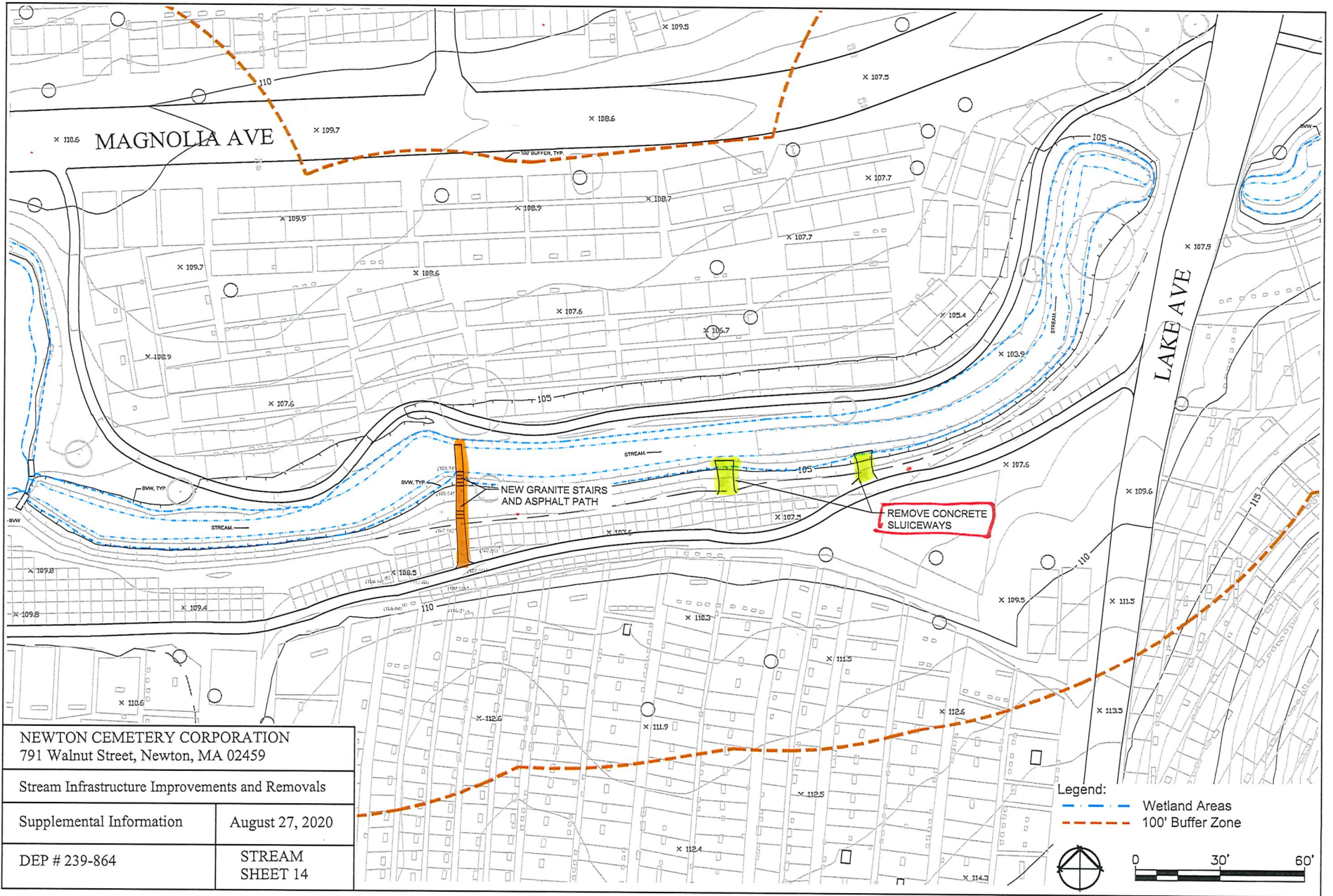
# 791 WALNUT ST - POND 4 PROPOSED PLANTING







# 791 WALNUT ST - EX POST FACTO STREAM INFRASTRUCTURE CHANGES



NEWTON CEMETERY CORPORATION  
791 Walnut Street, Newton, MA 02459

Stream Infrastructure Improvements and Removals

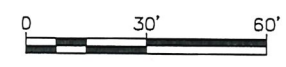
Supplemental Information

August 27, 2020

DEP # 239-864

STREAM  
SHEET 14

Legend:  
--- Wetland Areas  
--- 100' Buffer Zone

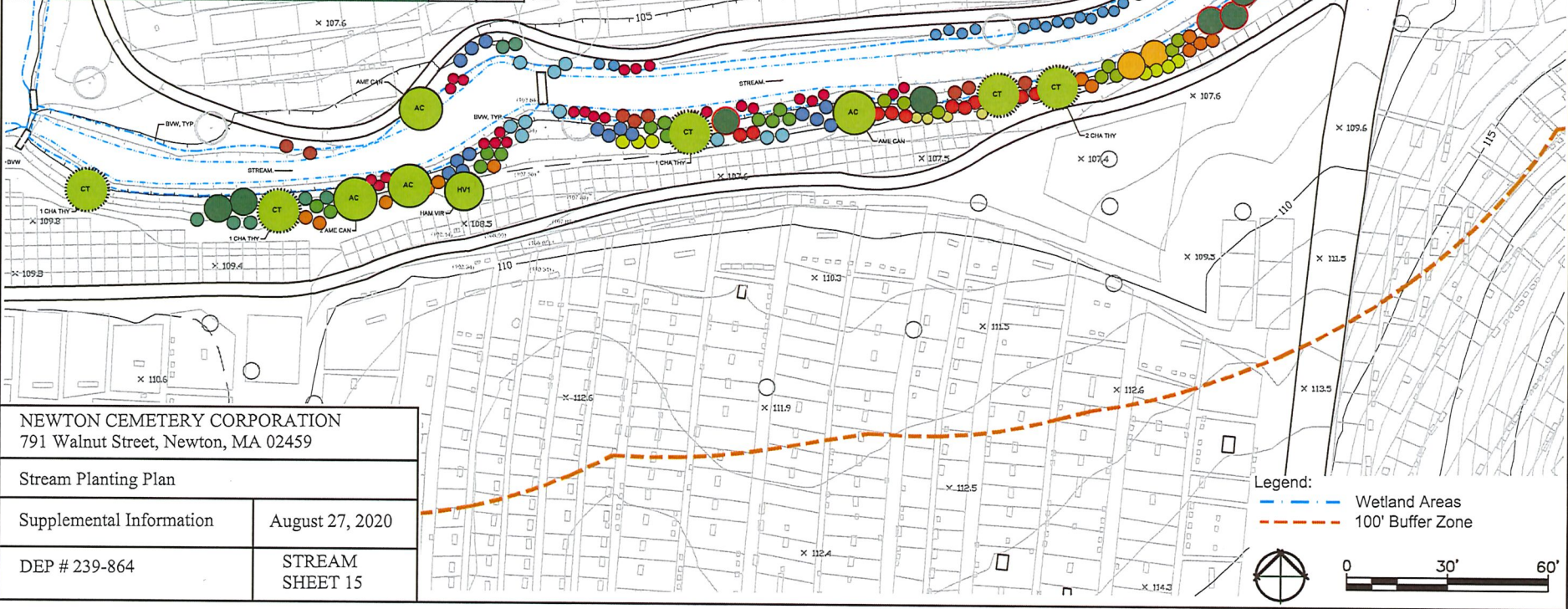


# 791 WALNUT ST - EX POST FACTO STREAM RESTORATION

AL

Plant Installation			
Ornamental and Evergreen Trees			
Botanical Name	Common Name	Size	QTY.
AC	<i>Amelanchier canadensis</i>	Serviceberry	8'-10' ht 4
CC	<i>Cercis canadensis</i>	Eastern Redbud	2"-2.5" 1
CK	<i>Cornus Kousa</i>	Flowering Dogwood	2"-2.5" 1
HV1	<i>Hammamelis virginiana</i>	American Witch Hazel	8'-10' ht 2
HV1	<i>Hammamelis virginiana</i> Harvest Moon	'Harvest Moon' Witch Hazel	6'-7' ht 1
CT	<i>Clunnacyparis thuyoides</i>	Atlantic White Cedar	8'-10' ht 6
Shrubs			
Botanical Name	Common Name	Size	QTY.
		#3 Pot	20
		#3 Pot	15
		#3 Pot	30
		#3 Pot	15
		#7 Pot	12
		#7 Pot	12
		#7 Pot	4
		#7 Pot	8
		#5 Pot	6
		#7 Pot	15
		#3 Pot	30
		#3 Pot	25
		#1 pot	80
		#5 pot	7
		#5 pot	10
		#5 pot	10
		4" pot	50

Groundcovers			
Botanical Name	Common Name	Size	QTY.
<i>Andromeda polifolia</i>	Bog Rosemary	#1 pot	100
<i>Calluna vulgaris</i>	Scotch Heather	3" pot	100
<i>Gaultheria procumbens</i>	Checkerberry	2 Quart	140
<i>Ledum groenlandicum</i>	Bog Labrador Tea	#1 pot	40
<i>Paxistima canbyi</i>	Bog Laurel	2 Quart	100
Perennials			
Botanical Name	Common Name	Size	QTY.
<i>Aster novi-belgii</i> 'New York Aster'	New York Aster	#1 pot	30
<i>Erica herbacea</i>	Spring Heath	4" cells	30
<i>Erica tetralix</i> Alba Mollis	Bell Heath	4" cells	30
<i>Erica x darleyensis</i> Alba 'White Perfection' etc.	Winter Heath	4" cells	30
<i>Hypericum calycinum</i> 'Fiesta'	St. John's Wort	#1 pot	80
<i>Anemone x hybrida</i> 'Honorine jobert'	'Honorine Jobert' Japanese Anemone	#1 pot	40
<i>Astilbe chinensis</i> Vision in White	White Astilbe	#1 pot	40
<i>Iris versicolor</i>	Blue Flag Iris	Plugs	100
<i>Iberis sempervirens</i> 'Tahoe'	Candytuft	#1 pot	100
<i>Lavandula angustifolia</i> unna	Lavender	#1 pot	80
<i>Osundastrum cinnamomeum</i>	Cinnamon Fern	#1 pot	15
<i>Acorus calamus</i>	Sweet Flag	Plugs	93



NEWTON CEMETERY CORPORATION  
 791 Walnut Street, Newton, MA 02459

Stream Planting Plan

Supplemental Information      August 27, 2020

DEP # 239-864      STREAM SHEET 15

**Newton Conservation Commission**  
**Tree and Shrub Replacement Guidelines under the State Wetlands Protection Act\***

(adopted by the Con Com 6/16/2016)

(revised DRAFT 8/7/20 jms)

**Purpose:** It is the interest of the Newton Conservation Commission to preserve trees and shrubs within its jurisdictional areas. Trees and shrubs provide valuable ecological functions including: nesting and breeding habitat for a variety of wildlife including endangered species, nutrient uptake that improves water quality, and shade. Even dead trees provide valuable habitat and nutrient cycling. These guidelines help define what replacement may be required should a landowner seek permission to remove trees or shrubs from his/her property. Removals without permission (enforcement) are subject to different and more stringent standards.

**Jurisdiction/Scope:** These guidelines apply to all areas within the Conservation Commission's jurisdiction including: 100-foot Buffer Zones, Bordering Vegetated Wetlands, Banks, Isolated Lands Subject to Flooding, Bordering Lands Subject to Flooding, Land Under Water and Waterways, and Riverfront Areas.

**Procedure:**

1. All proposed removals of trees or shrubs within Commission jurisdiction must be presented to the Conservation Commission (i.e., the full Commission or ~~the an~~ agent of the Conservation Commission) for ~~its~~ review and approval under the State Wetlands Protection Act regulations through a Notice of Intent, Request for Determination of Applicability, or a request for Administrative Approval.
2. Trees over 8" in diameter at breast height (dbh) must be identified individually on the proposal. Smaller trees and shrubs in the area must be indicated individually or in aggregate.
3. The owner of the property ~~shall~~ must submit a proposal for tree and/or shrub mitigation to the Conservation Commission.
4. The Conservation Commission shall decide if the proposal satisfies the mitigation-tree and shrub replacement requirementsguidelines.

**Mitigation:** Appropriate compensatory mitigation is flexible on a project-by-project basis in order to achieve the most appropriate mitigation for each ~~site-site~~-specific situation-, however, the starting point for determining replacement is as follows.

**In all situations**

- Shrubs may be required in addition to or allowed in place of trees to increase ecological diversity and accommodate site constraints.
- Replacement trees and shrubs shall be native species.
- Replacement tree and shrub selections shall optimize the:
  - Likelihood of mitigation planting success,
  - Degree to which lost tree (and shrub) functions are replaced,
  - Value and complexity of the replacement vegetation, and
  - Appropriate density for the site.
- Replacement tree and shrub locations shall optimize wildlife habitat value to the maximum extent possible.
- Replacement trees and shrubs must survive two growing seasons.

**Replacement for healthy trees and shrubs**

- Size and number of replacement trees and shrubs shall be calculated as follows:
  - 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.
  - For each shrub over 4' tall or 4' wide removed, two 1-gallon shrubs shall be planted.
  - ~~Shrubs may be required in addition to or allowed in place of trees to increase ecological diversity and accommodate site constraints.~~

- ~~Replacement trees and shrubs shall be native species.~~
- ~~Replacement tree and shrub selections shall address:~~
  - ~~Complexity of the ecosystem involved~~
  - ~~Likelihood of mitigation planting success~~
  - ~~Degree to which tree functions are replaced~~
- ~~Replacement tree and shrub locations shall optimize wildlife habitat value to the maximum extent possible and may be in landscaped areas:~~
- Replacement planting must occur no later than 6 months after completion of removal or end of construction whichever is later.
- ~~Replacement trees and shrubs must survive two growing seasons.~~

**Special Circumstances:** Appropriate compensatory mitigation will vary project-by-project and site-by-site.

- If the trees or shrubs being replaced are invasive, mitigation requirements may be reduced.
- If the trees or shrubs being replaced are hazards, mitigation requirements may be reduced.
- If the trees or shrubs being replaced are on small lots, mitigation requirements may be reduced.
- If the trees or shrubs being replaced are large trees (i.e., over 24" dbh) , mitigation caliper inch requirements may be reduced, but species selection may be limited to large canopy tree(s).
- If the trees or shrubs being replaced are in all projects in the inner 50-foot Buffer Zone, mitigation requirements may be increased must include 2 native shrubs for each tree removed.
- ~~In enforcement situations, mitigation requirements may be increased in addition to the tree replacement obligations noted above, mitigation must also include 2 native shrubs for each tree removed.~~
- ~~SMALL LOTS ....~~
- ~~REMOVAL OF LARGE TREES (OVER 21" OR 24") – MITIGATION WILL BE DETERMINED TO BE SITE-APPROPRIATE (E.G., REPLACE WITH OTHER TO BECOME LEGACY TREE)~~
- ~~REPLACE AT A DENSITY APPROPRIATE TO THE SITE~~

Hi All,

I don't mean to flood inboxes, but I find I have questions about policies and precedents, especially as they relate to any large-scale projects we may review.

When applicants propose amenities adjacent to wetlands, how are these structures generally been viewed by the Commission? I mean man-made site features such as boardwalks, overlooks, shelters, etc. While perhaps desirable in park land, how do such features support the functions and values of the regulations? It is possible these features are in conflict with the values?

I have one example near Charles River Pathway where a feature intended to be an amenity has become a nuisance. At the western end of the Upper Falls Greenway, where the Greenway dead-ends at the river, a bench was installed. The bench, donated by a local developer, was sited by a member of Parks and Rec staff in consultation with a member of the Friends of the Upper Falls Greenway. I don't think there was much of a plan or a thorough discussion.

Although well-intentioned, the bench has become a nuisance. Bottles and cans – Red Bull in particular – are thrown down the embankment from this bench. It probably doesn't help that this bench is in proximity to All Star Liquors in Pettee Square. Volunteers from Newton and the CRWA deal with the litter on the Greenway embankment, which, given the slope, is not easy. Anything we don't retrieve just ends up in the water. So, just one example of an amenity gone wrong.

Historically, Wellesley and Needham were "dry" so Upper Falls, right over the border from these towns, has more than its share of liquor stores and more than its share of alcohol-related litter, much of which ends up in South Meadow Brook and the river. Of course, we have no jurisdiction over the Greenway or other Parks and Rec parcels, but my point is that the mis-use of "amenities" can, and does, impact conservation land or land under our review.

To what extent can we anticipate, and possibly prevent, these unintended outcomes?

# CONSERVATION COMMISSION MINUTES

Date: August 6, 2020

Time: 7:04pm - 9:32pm

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

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

**With a quorum present**, the meeting opened at 7:04 with Susan Lunin presiding as Chair.

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

**Members Absent:** Dan Green

**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. Various Locations in Newton – RDA – herbicide spraying along commuter rail

- **Owner:** Massachusetts Bay Transportation Authority (MBTA) **Applicant:** Clary Coutu, Keolis Commuter Services **Representative:** Tim Dermody, Fair Dermody Consulting Engineers
- **Request:** Issue a DOA.
- **Documents Presented:** Plans, draft DOA
- **Jurisdiction:** Riverfront Area
- **Project Summary**
  - **Wetland boundary determination:** Keolis must get wetland/sensitive-area maps approved through this RDA.
  - **Work determination:** Applicant proposes to do mechanical weed control and spray herbicides, per best management practices, along the commuter rail tracks with key locations marked as limited or no-spray due to wetlands presence immediately adjacent to the tracks.: Under right-of-way (ROW) regulations, such work must be performed in compliance with an MDAR-approved 5-year vegetation management plan (VMP) and yearly operating plan (YOP). When that is the case, various exemptions apply.
- **Note:** Judy Hepburn recused herself as an abutter to the MBTA Green Line.
- **Staff comments**
  - This is a routine request, required by law for the use of herbicides on the rail right-of-way
  - The exemption under 10.02(2)(a)(2) listed by the applicant in the RDA doesn't apply to railways, but would apply to other utilities that run along the rail right-of-way.
  - The presumption of "no alteration" in 10.03(6)(b) stated in the RDA pertains only to buffer zone, not Riverfront Area.
  - The "limited spray" maps supplied by the applicant were augmented with the City's wetland maps which show only the Riverfront Area and Interim Wellhead Protection Areas at the western municipal boundary.
- **Vote:** to issue a determination as noted below and to sign electronically as provided in MGL Ch. 110G. [Motion: Gilligan; Second: Cade; Roll-call vote: Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 5:0:0]
  - Positive 2: Approving the City's wetland maps (as required by under 333 CMR 11.00).
  - Negative 5: Referencing the following exemptions for the application of herbicides:
    - **10.03(6)(b)** Any application of herbicides within the Buffer Zone, other than as provided in 310 CMR 10.03(6)(a), shall be presumed not to alter an Area Subject to Protection under M.G.L. c. 131, § 40, only if the work is performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00: Rights of Way Management, effective July 10, 1987. This presumption shall apply only if the person proposing such activity has requested and obtained a determination of the boundaries of the Buffer Zone and Areas Subject to Protection under M.G.L. c. 131, § 40 in accordance with 310 CMR 10.05(3)(a)1. and 2.; and has submitted that determination as part of the Vegetation Management Plan.
    - **10.03(6)(c)** for the work in Riverfront Area: "Any application of herbicides for management of rights of way within a riverfront area not subject to 310 CMR 10.03(6)(a) or (b), provided the area is outside any



**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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other resource area and qualifies under the provisions of 310 CMR 10.58(6)(a), shall be accorded an exemption of such work under M.G.L. c. 131, § 40, provided that the application of herbicides is performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00: Rights of Way Management.”

- 10.58(6)(a): maintenance of rail lines is allowed without an NOI.

**2. 55 Bernard Street – NOI – ex post facto – vegetation removal and stockpiling in flood zone – DEP File #239-871**

- Owner/Applicant: Jim Corsi, Corsi Realty LLC Representative: John Rockwood, EcoTec, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Project Summary
  - The owner of this parcel did a tear-down/re-build of a SFH. The requested work was administratively approved as being entirely outside ConCom jurisdiction. Without permission, the owner exceeded the limit of work line and cut “dead” trees and scrub growth within ConCom jurisdiction. One large healthy oak was also removed from the property. An Enforcement Order was issued requiring the filing of a NOI and restoration plantings.
  - Total restoration plantings include 10 canopy trees, 20 understory trees, 104 shrubs.
- Presentation (John Rockwood) and Discussion
  - There are two aspects of the plan, plantings and flood storage capacity.
  - Plantings
    - Photos from 2006 indicate that the site used to be fully lawned to the rivers’ edge. The proposal indicates a reduction in turf grass through the installation of:
    - 8 “habitat islands” within the originally shown wood chip planting beds, that will each have 10 shrubs clustered around 1 understory tree, where originally only shrubs were proposed.
    - 6 “free-standing” canopy trees have been added to the 2 River birches previously proposed. These additional trees are outside of or just along the edge of the proposed woodchipped beds.
    - River bank restoration plantings including 4 trees and 16 shrubs.
    - The applicant has already planted 10 spruce trees along the southern property line and 8 rhododendrons on the north and south property lines.
  - Flood storage capacity
    - Applicant indicates that 160 cubic yards of soil and material were removed and that 60 yards of loam is on site to be spread to protect tree roots and facilitate planting.
    - As-built survey will confirm that the same or more flood storage capacity exists on site at the end of the project.
- Vote to close the hearing and issue an Order of Conditions with the following special conditions, and to sign electronically as provided in MGL Ch. 110G. [Motion: Cade; Second: Hepburn; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]
  - 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)
    - Be installed on or before October 15, 2020
    - Have a survival rate of 100 % of total number of trees (after 2 growing seasons)
    - Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons)
  - Flood storage capacity on the site must be provided to at least the volumes (at every foot of elevation) in existence prior to the unpermitted cutting of trees and grading of soil. The As-Built plan must so demonstrate.
  - The lawn may be seeded or sodded, but no net loam/fill may be brought into the flood zone.

**3. 24 Village Road – NOI (cont’d) – construction of new detached garage and new driveway – DEP File #239-866**

- Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
- Request: Continue to 8/27/20.
- Documents Presented: none
- Jurisdiction: Riverfront Area
- Project Summary
  - Construction of a 24’x26’ detached, 2-car garage. Existing garage will be converted to storage.



- Pouring of a new asphalt driveway that begins at 12' in width at the curb cut and expands gradually to be 22' wide where it meets the proposed garage.
  - The project will result in a ~1200 s.f. increase in impervious area, all within the outer riparian zone.
  - Installation of underground infiltration chambers and trench drain will collect runoff from driveway and new roof.
  - Installation of 3 mitigation planting areas will total 1211 s.f.
  - Staff Comments
    - Applicant is conducting a title search to determine the legality of construction in the 25-foot set back.
  - Vote to continue the hearing to 8/27/20. [Motion: Katz; Second: Zabel; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]
- 4. 39 Norwood Avenue – NOI – demolition of greenhouse and shed/construction of SFH addition – DEP File #239-873**
- Owner/Applicant: John Shields Representative: self
  - Request: Preliminary concept presentation
  - Documents Presented: Colored plans, site photos, draft OOC
  - Jurisdiction: Buffer Zone
  - Project Summary
    - Demolish existing greenhouse and shed.
    - Construct detached “garden pavilion” (accessory apartment) where existing greenhouse and shed are located.
    - Relocate some existing shrubs to accommodate the construction.
    - Install rain garden to take roof and walkway runoff.
    - Regrade lawn
  - Presentation (John Shield) and Discussion
    - The engineering plans provided are missing many details and must be made to comport with the landscape plans.
    - The Commission noted that greater mitigation plantings (trees and shrubs) primarily near the lake shore would be required to compensate for the increase in impervious area and hardscape within buffer zone.
    - All mitigation plantings must be native.
  - Vote to continue the hearing to 8/27/20 to allow for modifications to the application as noted below. [Motion: Katz; Second: Zabel; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]
    - One comprehensive plan set that shows:
      - All structures (defined by their roof lines and walls)
      - All hardscape
      - All grading changes
      - The 100' Buffer Zone line
      - Erosion controls and erosion control details
      - Proposed mitigation plantings (with species, numbers, and sizes to be planted) and the proposed plant relocations.
- 5. 35 Spiers Road – NOI – teardown/rebuild single-family home with associated site features – DEP File #239-872**
- Owner/Applicant: Andrey Agamov Representative: Karon Skinner Catrone and Mikhail Deychman
  - Request: Issue OOC.
  - Documents Presented: Colored plans, site photos
  - Jurisdiction: Buffer Zone
  - Project Summary
    - Demolish existing single-family home.
    - Construct new single-family home with associated patio within the outer 50' of the buffer zone. Install 2 infiltration systems to collect roof and driveway runoff.
    - Increase in impervious area within the buffer zone
    - Plant 3 sugar maple saplings, 3 common bearberry shrubs, and 5 sweet ferns as mitigation.
  - Presentation (Karon Skinner Catrone and Mikhail Deychman) and Discussion
    - To the staff, the limit of work line seems unrealistically close to the edge of grading, excavation, and construction. The representative claims that it is workable.
    - The representative noted that the existing wooden fence was due to be removed and replaced, and that the new fence would be elevated 6 inches from the ground. This should be shown on revised plans
    - The representative stated that the Arborvitae near the existing house would remain.

- The representative stated that revised plans would show the 10" Norway maple just outside the limit of work better protected.
  - In response to staff/commissioner concerns, the representative stated that the mitigation planting plan would be expanded and revised to better fit site conditions (e.g., the location of existing trees), to ensure that all plantings are within the subject lot, and to expand/enhance mitigation (i.e., as the representative stated: "beef it up").
  - The representative stated that the dumping/littering that appears to have been taking place over the years by previous owners including trash, old fence pieces, and a large pile of grass clippings would be cleaned up assuming there was permission from the property owner (Champion Broadcasting).
  - The representative noted that the proposed increase in impervious area was 610 sf (1425 sf -> 2035 sf within buffer zone). But there was a great deal of discussion and lack of clarity about how that change in impervious area was calculated. Through site photos and input from the neighbors, it was determined that the original patio was brick and pervious, and had been removed recently. It was not clear whether the original patio was considered pervious or impervious in the calculations presented. The Commission asked for a clear presentation of prior existing and proposed areas of impervious cover and pervious cover.
  - Matthew Hoffman of Champion Broadcasting noted his concern that underground antennae ("radials") not be impacted by construction equipment. He will address that issue with the applicant team, if/as necessary.
  - Joyce McCaffrey, on behalf of Susan Ostroff (neighbor) noted that the brick patio has been removed recently.
  - The Commission noted that, although outside its regulatory purview, it would prefer to see a reduction in the expanse of the driveway and it suggested clarifying whether there could be more than 22 feet of driveway opening.
- Vote to continue the hearing to 8/27/20 to allow for modifications to the application as noted above. [Motion: Katz; Second: Gilligan; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]

**6. 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 8/27/20 due to the special permit process required for retaining walls over 4' in height within setbacks.
- Documents Presented: none
- Jurisdiction: Buffer Zone, Riverfront Area
- Vote to continue the hearing to 8/27/20 to allow for modifications to the application as noted above. [Motion: Cade; Second: Zabel; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]

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

**III. ADMINISTRATIVE DECISIONS**

**7. Tree Replacement Policy**

- Staff Comments
  - The ConCom's tree replacement policy sets guidelines for replacement based on size (mitigated by hazard and invasiveness). Often, large trees cannot be fully replaced, but there should be some standard. Ellen Katz suggested adapting (and adopting guidance for?) legacy trees: any live native tree ≥21 inches DBH and (or?) ≥150 years old.
  - Staff heard that a Councilor Norton of CRWA has an intern reviewing the existing Tree Ordinance and researching peer community policies in order to propose amendments to the existing policy.
- Discussion: Commissioners suggested adding considerations for small lots, site-appropriate density, and legacy tree species replacement requirements.
- Consensus: Staff will refine tree replacement guidelines for the Commission's consideration.

**8. Defining "Unrestricted Hydraulic Connection"**

- Staff Comments
  - The goal: guidance that can be reflected in proposed plans, OOC conditions, and administrative approvals.
  - DEP supplied the following guidance.
    - **To provide "unrestricted hydraulic connection" how big should apertures in foundations be?**  
Apertures, orifices, or penetrations of any size in a solid foundation act as hydraulic restrictions, when constructed in Bordering Lands Subject to Flooding. To act as an unrestricted hydraulic connection in Bordering Lands Subject to Flooding, there would have to be an open pile foundation with the lowest

floor or lowest horizontal structural member elevated at or above the 100-year flood elevation, so river flow during a flood can flow unimpeded. ...

- **Can a homeowner cover the apertures to keep critters out? And if so what thresholds should govern?**  
The apertures or orifices in a solid foundation act as hydraulic restrictions when constructed in Bordering Lands Subject to Flooding, so do not meet the 310 CMR 10.57 criteria to provide compensatory flood storage. Compensatory flood storage is required to compensate for the full volume enclosed by the solid foundation. ... The volume enclosed by the solid foundation cannot be credited to serve as compensatory flood storage, regardless of the numbers and size of apertures and orifices.
- **What about solid panel fences?**  
I don't recall any hearing decisions about fences in BLSF. In addition to the storm damage prevention and flood control interests in Bordering Land Subject to Flooding, there is also the wildlife Habitat Interest. Installing a fence in BLSF is an alteration, so requires the filing of a NOI. If the BLSF performance standards for storm damage prevention and flood control can be demonstrated to be met, to protect the wildlife habitat interest, presumably the bottom of the fence would need to be elevated, similar to fences constructed in the Riverfront Area, to provide for wildlife passage. For the storm damage prevention and flood control interests, the most significant standard for a solid fence would be to demonstrate compliance with 310 CMR 10.57(4)(a)2., work "shall not restrict flows so as to to cause an increase in flood stage or velocity." The burden is on the Applicant to make this demonstration, not the issuing authority.
- Commissioners asked staff to ask DEP whether skirting could be installed around pilings (as illustrated with a photo of #116 Upland Ave.).

#### 9. Earthmoving in the context of Zoning Redesign and Stormwater Ordinance

- Staff Notes: The City's Environmental Engineer, Maria Rose, has expressed a willingness to consider including the issues of fill, retaining walls, and earthmoving into the new Stormwater Ordinance. Jennifer Steel will try to ensure Commission concerns are addressed in the Stormwater Ordinance and the Zoning Redesign efforts.

#### 10. Minutes of 7/16/20 to be approved

- Documents Presented: draft minutes
- Vote: to accept the 7/16/20 minutes (as edited by Ellen Katz). [Motion: Gilligan; Second: Hepburn; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]

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

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### UPDATES

#### V. WETLANDS UPDATES

#### 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 another round of mowing on 7/24/20.
  - CRP stairs – AAB variance application has been submitted!
  - Kessler boardwalk and bridge – a bid was released 6/18 but no bids were received. Staff have reached out and are anticipating an estimate from another firm with which we have worked before.
  - Webster stairs – we received a draft permit from DCR; it is under review by the Law Department.
  - Dolan crusher-run – we have received a material estimate and are hoping for a more thorough estimate for the entire levelling project, as the materials cost was well under what was anticipated.
  - Houghton Garden hydroraking and trail work – work due to begin as soon as the team can assemble and the water level is appropriate.

#### VII. ISSUES AROUND TOWN UPDATES

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

#### VIII. ADMINISTRATIVE MATTER UPDATES

- EnviSci Summer Program: is happening virtually.
- Interns: Our 2 high school interns through the Mayor's internship program are doing well.

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

- 11. 156 & 170 Otis Street – Certificate of Compliance – drainage system repairs – DEP File #239-814

- Owner/Applicant: Andrey Agamov Representative: Karon Skinner Catrone and Mikhail Deychman
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos
- Jurisdiction: Buffer Zone
- Project Summary: repair old stormdrain main and beehive inlet.
- Staff notes: All requisite paperwork was received and a site visit confirmed complete compliance and good function.
- Vote: to issue a complete COC. [Motion: Gilligan; Second: Cade; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]

## 12. Martin Conservation Area – Proposal for Poetry Path

- Staff notes: Thanks to Ellen Katz, we have a new Steward, Julie Leavitt, who would like to solicit and install laminated poems along the trail. Jennifer Steel noted three conditions:
  1. Avoid damage to vegetation: Make sure that poems are tied to limbs or trunks or temporary posts.
  2. Avoid creating litter: Make sure that the poems are very nicely presented and accessible and that the lamination is robust and designed for an outdoor application, and make sure there is a date set for their removal.
  3. Avoid creating the impression that anyone can install art or text on Conservation land without permission: Make sure that it is clear that the whole exhibit is "sponsored by" (or whatever the appropriate wording is) by Newton Conservation Commission.
- Discussion: To avoid the posting of inappropriate language or references, ensure that poems are vetted by Jennifer Steel prior to installation.
- Consensus: Have Jennifer Steel coordinate with Julie Leavitt.

## 13. Tail Proliferation in Webster Conservation Area

- Staff notes: New steward Richard Primack has mapped newly created trails and identified many that have been formed during the uptick in use due to people being at home due to COVID-19.
- Discussion:
  - Some of the trails noted may be only very "lightly used".
  - The fragmentation of habitat by foot paths was not seen as particularly problematic by the Commission.
  - The difficulty of removing trails was noted.
- Consensus: Have staff confirm the nature of the new trails noted on Richard Primack's maps.

## UPDATES

- **Christina Street Bridge Multi-Use Pathway Feasibility Study and 25% Design Grant Award Received**: \$56,700 was received from the MassTrails Program (DCR/MassDOT). The City will be providing matching funds of roughly \$14,000. The project is due to take one year.
- **Three new volunteer stewards**: Thanks to Ellen Katz for finding Julie Leavitt to be the Steward of Martin Conservation Area and Tanya Karpiak to be the Steward of Frank Barney Conservation Area. Richard Primack has agreed to assist with the stewardship of Webster Conservation Area.
- **Dogs off-leash on Conservation land**: Ticketing authority is being discussed by Parks and Rec and the Police Union. Jennifer Steel has asked Jonathan Yeo to broaden the discussion to include Conservation land (and other Park land).

## ADJOURN

- Vote: to adjourn at 9:32 [Motion: Katz; Second: Zabel; Roll-call vote: Hepburn (aye), Katz (aye), Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye); Vote 6:0:0]