

CONSERVATION COMMISSION AGENDA

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, October 29, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the October 29, 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. **50 Industrial Place – RDA – electrical switch gear replacement w/ minor hardscaping**
 - o Owner/Applicant: Jack Crocker, HC Starck Representative: Sean Barry, STV Incorporated
 - o Request: Issue DOA.
2. **41 Concord Street (Leo J Martin Golf Course) – OOC – irrigation and snowmaking upgrades – DEP File #239-877**
 - o Owner: Massachusetts Department of Conservation and Recreation Applicant: Raul Silva, DCR
 - o Representative: Jay Viamari, Tighe and Bond
 - o Request: Issue OOC.
3. **93 Andrew Street – COC – addition to SFH – DEP File #239-546**
 - o Owner/Applicant: Karim Favakeh Representative: none
 - o Request: Issue COC.
4. **Discussion of Unrestricted Flow in Flood Zone**
 - o Issue: Continued consideration of regulating construction in flood zone, using recent examples in the Upland Ave area.
5. **Consideration of a New Standard “Finding” in the Commission’s OOC Template**

II. CONSERVATION AREA DECISIONS

6. **Posting Land Use Regulations at Trail Heads**
7. **Clarification of Prior Orienteering Discussion**

III. ADMINISTRATIVE DECISIONS

8. **Recruitment for Alternates**
9. **Minutes of 10/8/20 to be approved**

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

UPDATES

- V. WETLANDS UPDATES
- VI. CONSERVATION AREA UPDATES
- VII. ISSUES AROUND TOWN UPDATES
- VIII. ADMINISTRATIVE 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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NOTE: Discussions of wetland cases may be limited to 20 minutes for RDAs and 40 minutes for NOIs

DECISIONS

I. WETLANDS DECISIONS

1. 50 Industrial Place – RDA – electrical switch gear replacement w/ minor hardscaping

- Owner/Applicant: Jack Crocker, HC Starck Representative: Sean Barry, STV Incorporated
- Request: Issue DOA.
- Documents Presented: Colored plans, site photos, draft DOA
- Jurisdiction: Buffer Zone, BLSF, City 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."
 - **Bordering Land Subject to Flooding:** 10.57 – 112' NAVD88 according to FEMA map
 - Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
 - Work shall not restrict flows so as to cause an increase in flood stage or velocity.
 - Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.
 - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions**
(b)(1&2) ... the conservation commission may issue an order of conditions for [grading] for which compensatory storage is provided ...
- Project Summary
 - Install a new concrete pad for electrical switch gear. Install new gravel pathway section to connect new pad to existing gravel path. Install new chain link fence to protect new pad.
 - Remove some existing asphalt and replace with gravel/crushed stone.
 - Demolish an existing wall and replace with a temporary wooden wall for future tank replacement. After tank is replaced, a brick wall will be reconstructed.
 - Plant 2 raspberry bushes and 1 pagoda dogwood.
- Staff Notes:
 - Very little new impervious area is proposed; the proposed work is alteration of existing disturbed areas.
 - Applicant should clarify proposed changes to electrical equipment and fencing so that compensatory flood storage requirements can be determined. There is roughly 1 foot in flood elevation at the site.
 - Applicant should confirm that electrical equipment can be installed within the flood elevation under building code.
 - The proposed silt sock is very close to the work area, may interfere with work, and may not be necessary.



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- Staff Recommendations: Once clarifications have been received, vote to issue a negative 3 determination with the following conditions.

- The site must be left stable, appropriately vegetated, and clean. Post construction photos must be sent to the Conservation Office when construction is complete.
- Plantings must occur within 6 months of the infrastructure improvements, must be photo-documented (with photos sent to the Conservation Office at the time of installation), and must survive two growing seasons.

2. 41 Concord Street (Leo J Martin Golf Course) – OOC – irrigation and snowmaking upgrades – DEP File #239-877

- Owner: Massachusetts Department of Conservation and Recreation Applicant: Raul Silva, DCR Representative: Jay Viamari, Tighe and Bond

- Request: Issue OOC.

- Documents Presented: Colored plans, site photos, draft OOC

- Jurisdiction: Buffer Zone, Riverfront Area, Bank, LUWW, BLSF, 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.

- **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 ... 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. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations... may be permitted if they will have no adverse effects on wildlife habitat...

- 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.

- **LUWW: 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... 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... 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.

- **Bordering Land Subject to Flooding: 10.57**

- Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
- Work shall not restrict flows so as to cause an increase in flood stage or velocity.
- Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.
- **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions**
 - (b)(1&2) ... the conservation commission may issue an order of conditions for [grading] for which compensatory storage is provided ...
- **Project Summary**
 - Project goals: install new snow making and irrigation infrastructure.
 - Project activities include:
 - demolition/removal of a masonry irrigation pump house and intake structure,
 - dredging of the manmade lagoon,
 - installation of a new pump house building,
 - installation of new water lines and electrical conduit, and
 - associated tree and understory vegetation removal.
- **Staff Notes:**
 - All demolition and construction activities on the Newton side of the river will be near the existing pump house and lagoon on the south side of Concord Road. Mitigation tree planting will take place on both sides of Concord Road.
 - Staff had many questions and concerns, most (but not all) of which were discussed at a site visit with the applicant on 10/20/20 and will be noted here for the record. The applicant has agreed to address many of these concerns.
 - **Overall**
 - The applicant claims that this is “water-dependent project” and so could qualify for Limited Project status. Staff feel that irrigation is not “water-dependent” as intended by DEP.
 - Staff recommended using erosion controls only where erosion control is necessary, not to define limits of work areas.
 - Staff asked that all infrastructure be shown on one page (i.e., that proposed electrical infrastructure be overlaid with the proposed water infrastructure to ensure that there won’t be conflicts with one another, with existing trees, or with proposed trees).
 - Staff asked that all potentially impacted trees be survey located and identified (species and size) on the plans to clarify potential conflicts and necessary protection.
 - The applicant must clarify what lighting changes are being proposed in (or affecting) Newton and they should demonstrate minimal spill of light into natural wetland areas.
 - Top of Bank and BVW flags must be refreshed to allow staff to confirm the wetland boundaries.
 - Locations of the proposed pump house and irrigation lines should be flagged in the field to allow staff to assess the practicality of the application. (Note: Work in Riverfront must be executed in the least damaging manner, so if less intrusive alternatives exist, they must be considered or adopted.)
 - Individual trees should be shown on the plan in the area of proposed work and planting to ensure that disturbance to trunks and roots will be minimized and to ensure that plantings will be appropriately placed.
 - The applicant must provide a more complete stormwater checklist and report to satisfy DEP requirements.
 - The applicant must insert the appropriate Turf Reinforcement Mat detail and delete the erroneous Erosion Control Blanket detail.
 - The mitigation planting plan of 2 saplings for each 1 mature tree cut is very weak. The proposed cutting is of 234 caliper inches.
 - **BLSF**
 - The applicant indicates that the 100-year flood elevation is at 42’ NAVD88. The FEMA Flood Profiles, however, indicate that it is at 39.5’. Plans should be clarified with the addition of a datum (is it NAVD88?) and the BLSF line should be adjusted if appropriate.
 - Cut and fill numbers will need to be entirely reworked.
 - Cut and fill numbers must be balanced (and over compensated for, according to the ConCom’s policy) at every foot of elevation.
 - Clarity must be given on whether the storage shed near the weir and bridge is going to be removed as part of this project.
 - The applicant asked whether excess compensatory storage volume could be “banked” for future projects. Staff indicated that she felt that would not be appropriate because of each project needing to be

considered on its own merits, the City's policy requiring excess capacity be generated, and the need to increase flood storage as much as possible in the face of climate change.

o **Land Under Water**

- The applicant should clarify the total area of the lagoon and the total area of dredging. Both 2900 sf and 4530 sf are used in the application.

o **Bank**

- Currently the banks of the lagoon are fully vegetated and stable. The applicant should clarify whether (and how) every effort will be made to protect the banks of the lagoon during dredging. The details indicate bank restoration with fill and willow whips in the event of disturbance.

o **Riverfront Area**

- The applicants claim that the wildlife habitat value in the proposed work areas is limited because of the golf course features, was refuted by staff, since most of the work is proposed within mature tree canopy and fully vegetated areas.
 - Staff questioned the stated reason for such extensive tree removal (protection of the pump house). Proactive cutting of huge native trees because of their proximity to a pump house is not warranted under the Act.
 - The proposal calls for 234 caliper inches of mature oaks and maples to be removed and only 20 4-6 foot tall saplings to be planted. That seemed to staff wholly inadequate.
 - On the site visit, staff noted several areas where enhanced mitigation planting of trees and shrubs could occur. The applicant agreed to enhance the mitigation planting plan.
 - It appeared to staff, that the location of the proposed pump house and new irrigation lines could be modified to reduce the proposed removal of mature trees. Staff asked the applicant to revise the plans.
 - It appeared to staff that access for dredging the lagoon could be better achieved from the western side of the lagoon, with less damage to trees along the bank. Staff asked the applicant to revise the plans showing the new access routes and appropriate protections (such as plywood to protect tree roots).
- o **Staff Recommendations:** Continue the hearing to allow the applicant time to submit revised plans and schedule another site visit with Conservation staff.

3. 93 Andrew Street – COC – addition to SFH – DEP File #239-546

- o **Owner/Applicant:** Karim Favakeh **Representative:** none
- o **Request:** Issue COC.
- o **Jurisdiction:** Buffer Zone, Riverfront Area, BLSF, City Floodplain
- o **Staff Notes:** Staff site visit on 10/14/20 confirmed compliance; all required paperwork has been received.
- o **Staff Recommendations:** Vote to issue a complete Certificate of Compliance.

4. Discussion of Unrestricted Flow in Flood Zone

- o **Issue:** Continued consideration of regulating construction in flood zone, using recent examples in the Upland Ave area.
- o **Staff Notes:**
 - After the last meeting, staff did some more research and spoke at length the owner of 116 Upland Ave.
 - In the cut and fill calculations, the plans for 116 Upland showed “deck screening” of 7.6 cubic feet. The architectural plans presented to ISD showed horizontal skirting. It was always anticipated by the owner. Staff did not take note of that component of the plan (and its potential conflict with unrestricted flow) and so did not bring the issue up as a concern. The issue was never directly discussed or addressed by the applicant, staff, or the Commission, except in the condition of “shall not enclose”.
 - o Should enforcement still be sought?
 - The replacement fence at 29 Brierfield was approved administratively with the condition that it be elevated 4-6 inches from the ground. A staff site visit verified that the fence was installed appropriately above the owners’ ground level as, per the condition in the Admin Approval. The land surface, however, appears to be a bit elevated on the 116 Upland Ave side of the fence (due to mulch and soil associated with the row of Arborvitaes), so the flow of flood water may be somewhat restricted.
 - o Should any alteration be sought?
 - The approved plans for 170 Upland indicated that the new house foundation and its deck pillars would not exceed the prior existing fill in floodplain. The decks, however, have been enclosed with solid skirting, effectively adding to the volume of the house in flood zone. The approved plans do not appear to show skirting on the plans or in the cut and fill calculations. The conditions did not directly prohibit deck skirting. The fence that was shown on the

approved plans is a solid panel fence that contacts the ground in many places. There were no conditions requiring elevation of the fence. The Commission's flood zone construction guidelines were not in place at the time.

- Should removal of the deck skirting be required prior to the issuance of a COC?

5. Consideration of a New Standard "Finding" in the Commission's OOC Template

○ Staff notes:

- Staff were interest was in addressing Commission concerns about applicants seeking modifications to recent/current projects that increase impacts to wetlands or buffer zones, also referred to as "creep," through better documentation of the reasoning behind its decisions.
- Leigh Gilligan researched DEP's OOC amendment policy and considered the matter.
- Gilligan recommends forgoing the use of a standard finding in favor of a case-by-case approach and, when necessary, use of DEP's policy language.
- Gilligan notes that "an applicant can always ask us to amend an OOC under the DEP policy and our response is completely within our discretion." And "we should not be allowing increase to impacts via amendment in any event."
- DEP's Wetlands Program Policy 85-4: Amended Orders, notes;
 - Amending a Final Order of Conditions is at the discretion of the body that issued the Final Order of Conditions ("the issuing authority"). There is no provision in the wetland regulations that requires the issuing authority to consider or act upon a request to amend a Final Order of Conditions.
 - "The issuing authority first makes a determination whether the requested change is great enough to warrant the filing of a new Notice of Intent or whether it is of a relatively minor nature and can be considered as an amendment to the original Final Order of Conditions. In making this determination, the issuing authority should consider such factors as whether the purpose of the project has changed, whether the scope of the project has increased, whether the project meets relevant performance standards, and whether the potential for adverse impacts to the protected statutory interests will be increased. Relatively minor changes which result in the same or decreased impact on the interests protected by the Act are appropriate for amendments. If the determination is made that the project purpose or scope has changed substantially or that the interests specified in the Wetlands Protection Act are not protected, then the issuing authority should not issue the amendment, but should require the filing of a new Notice of Intent.
- Staff Recommendations: Discuss, and if appropriate, note consensus to use clarifying language in OOC findings, when needed, to describe Commission concerns about resource area protection.

II. CONSERVATION AREA DECISIONS

6. Posting Land Use Regulations at Trail Heads

○ Staff notes:

- 6 years ago Jennifer Steel redesigned and replaced all ConCom trail head signs, removing the signs that recited all of the land use regulations, instead installing welcoming signs with: (1) trail maps, (2) "enjoy this nature reserve from dawn to dusk", (2) "leave no trace of your visit", (3) "dogs must be on leashes", & (4) "dog waste must be carried out".
- The uptick in use of Conservation parcels has brought more foot traffic and more bicycle traffic.
- Staff have installed temporary signs reminding people of the prohibition of bicycles on Conservation land, but since all the regulations are not posted, many residents have been surprised by the notion that bicycles are not allowed on Conservation land.
- Additional signage could be added to the existing trail head signposts.
- Staff Recommendations: Discuss the pros and cons of posting more or all regulations at every trail head, and if appropriate, note consensus.

7. Clarification of Prior Orienteering Discussion

- Staff notes: Confirm that it is ok with the ConCom to have the trails of Flowed Meadow displayed on an Auburndale Park orienteering course map. All orienteering markers will be located within Auburndale Park. Note: PRC staff will be coming to the 12/10/20 ConCom meeting with draft map of a proposed orienteering course at Kennard Park and Kennard Conservation Area.

III. ADMINISTRATIVE DECISIONS

8. Recruitment for Alternates

- Staff Notes:

- The Commission does not currently have an alternate member. Alternate is the customary pathway for a new person to “learn the ropes” prior to being appointed as a full voting member. Application to the ConCom is always available on-line to residents, but we haven’t had any applications in quite some time. At Steel’s request, the Mayor’s office will advertise the opening to a variety of community organizations that represent diverse demographics. Commissioners should also suggest names of possible candidates.
- The current ordinance defining the Conservation Commission states that: "(b) There shall also be four (4) alternate members appointed by the mayor with approval by the board of Aldermen". Staff wonder whether the Commission would like to submit a proposed Ordinance change to: "(b) There may also be up to four (4) alternate members appointed by the mayor with approval by the City Council", or “There shall also be one (1) alternate member ...” A Commission of 11 could be unwieldy.

9. Minutes of 10/8/20 to be approved

- Documents Presented: Draft minutes
- Staff Recommendations: Vote to accept the 10/8/20 minutes.

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

UPDATES

V. WETLANDS UPDATES

- Bullough’s Pond Skating Shed Violation: PRC staff are due to provide the Conservation Office with a revised restoration planting plan for the area around the unpermitted wall by 10/22/20.

VI. CONSERVATION AREA UPDATES

- Houghton Garden – Phragmites: Solitude treated the patch last week.
- Dolan Pond: The trail from Cumberland Road to the boardwalk has been regraded and resurfaced to increase accessibility.

VII. ISSUES AROUND TOWN UPDATES

- OSRP approval: Staff still await final state approval. DCS said that our submittal coincided with their busy season so responses have been delayed.
- Christina Street Bridge Feasibility Study: Staff are working with DCR to finalize all requisite paperwork and with City staff to finalize the scope of services. Once all DCR permits have been received the scope will be sent out for estimates. The next step will be to secure the required MBTA access license.
- DCR Lower Falls shared-use trail vision plan: Staff submitted comments on behalf of the City.
- DCR Quinobequin road and trail improvement alternatives analysis: Staff submitted comments on behalf of the City.
- Climate Action rolls along! Website coordination with Green Newton is active, the Energy Coach position has been posted, solar installations continue, BlueBikes are here, EV chargers are being installed, zoning changes are under discussion, etc.!
- Stormwater Ordinance: A new draft is being developed for internal review.

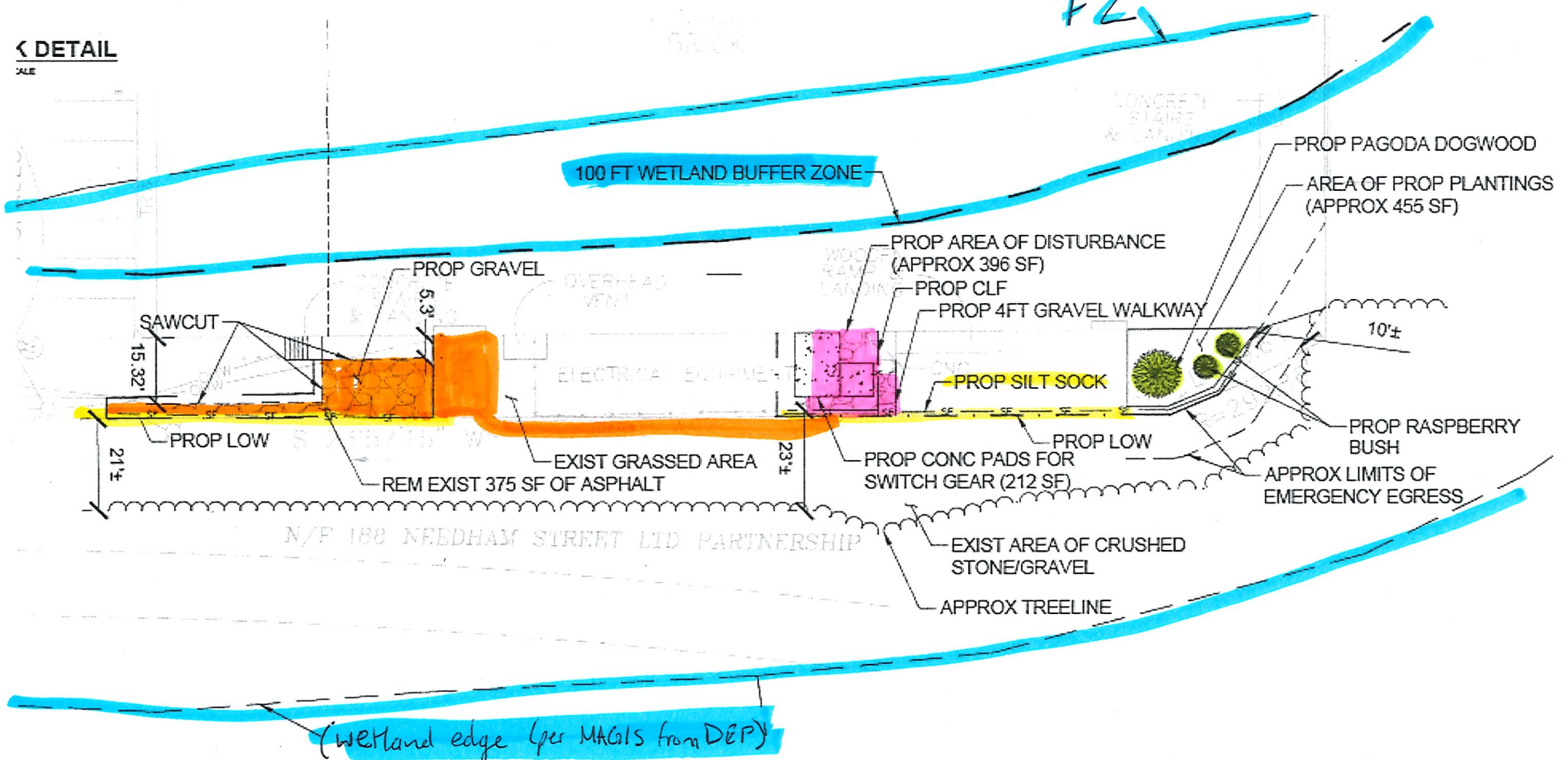
VIII. ADMINISTRATIVE UPDATES

- Office Move: The Conservation Office (and the rest of the Planning Department) has moved to the second floor of City Hall. Staff can now be found within the Inspectional Services Department and our assistance can be requested by the public at the Inspectional Services counter.
- Interns: Staff working to advertise for a part-time college co-op position to assist with office and field work.

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

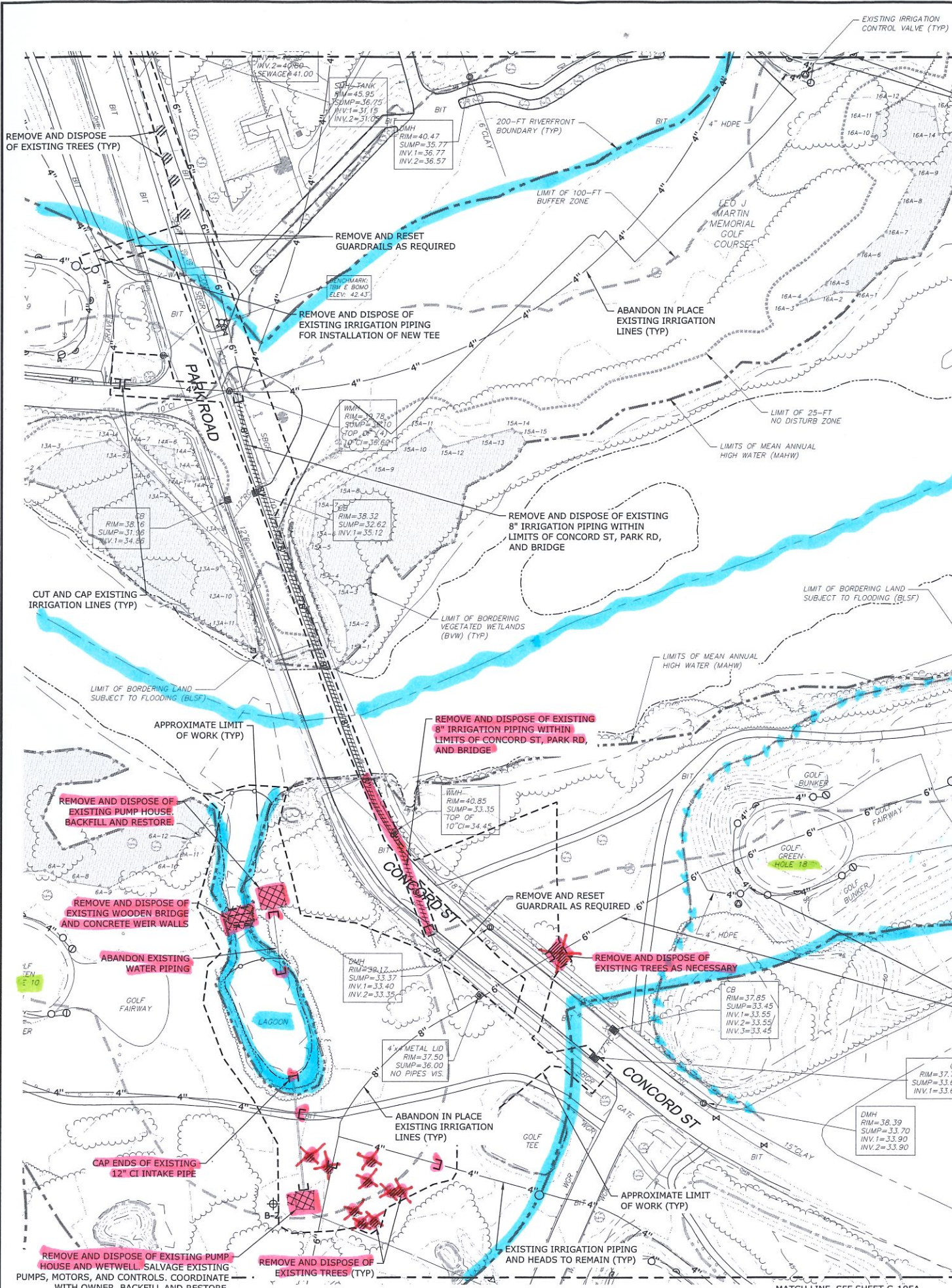
ADJOURN

DETAIL



PLANT SCHEDULE				
QUANTITY	SCIENTIFIC/COMMON NAME	SIZE	ROOT	COMMENTS
1	CORNUS ALTERNIFOLIA, PAGODA DOGWOOD	15' HEIGHT	BALLED & BURLAPPED OR #15 CONTAINER	
2	RUBUS IDAEUS, RASPBERRY	6' HEIGHT	BALLED & BURLAPPED OR #15 CONTAINER	

NOTES



REMOVE AND DISPOSE OF EXISTING TREES (TYP)

REMOVE AND RESET GUARDRAILS AS REQUIRED

REMOVE AND DISPOSE OF EXISTING IRRIGATION PIPING FOR INSTALLATION OF NEW TEE

ABANDON IN PLACE EXISTING IRRIGATION LINES (TYP)

CUT AND CAP EXISTING IRRIGATION LINES (TYP)

REMOVE AND DISPOSE OF EXISTING 8" IRRIGATION PIPING WITHIN LIMITS OF CONCORD ST, PARK RD, AND BRIDGE

REMOVE AND DISPOSE OF EXISTING PUMP HOUSE. BACKFILL AND RESTORE.

REMOVE AND DISPOSE OF EXISTING WOODEN BRIDGE AND CONCRETE WEIR WALLS

ABANDON EXISTING WATER PIPING

REMOVE AND DISPOSE OF EXISTING 8" IRRIGATION PIPING WITHIN LIMITS OF CONCORD ST, PARK RD, AND BRIDGE

REMOVE AND RESET GUARDRAIL AS REQUIRED 6"

REMOVE AND DISPOSE OF EXISTING TREES AS NECESSARY

CAP ENDS OF EXISTING 12" CI INTAKE PIPE

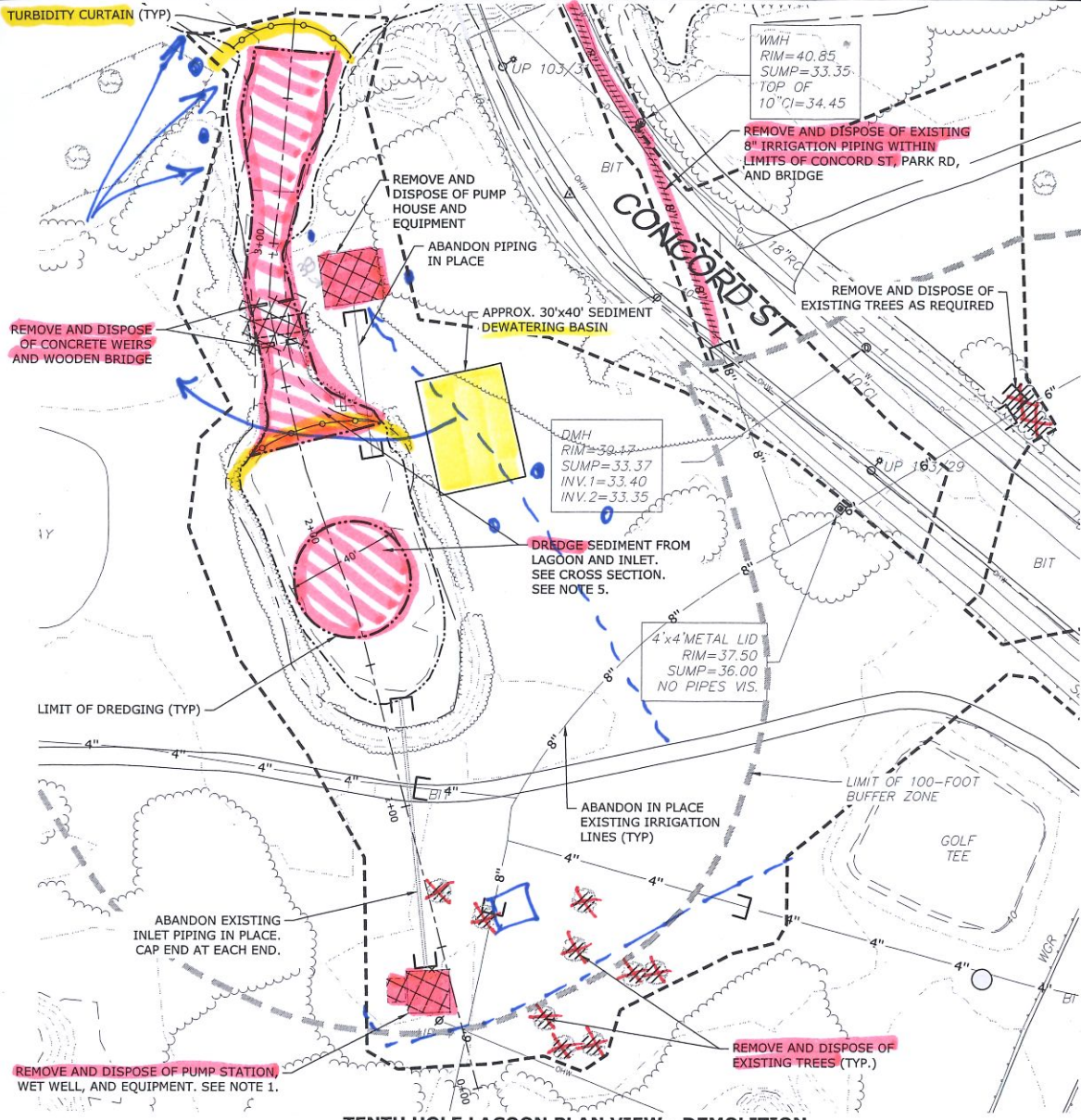
REMOVE AND DISPOSE OF EXISTING PUMP HOUSE AND WETWELL. SALVAGE EXISTING PUMPS, MOTORS, AND CONTROLS. COORDINATE WITH OWNER. BACKFILL AND RESTORE.

REMOVE AND DISPOSE OF EXISTING TREES (TYP)

EXISTING IRRIGATION PIPING AND HEADS TO REMAIN (TYP)

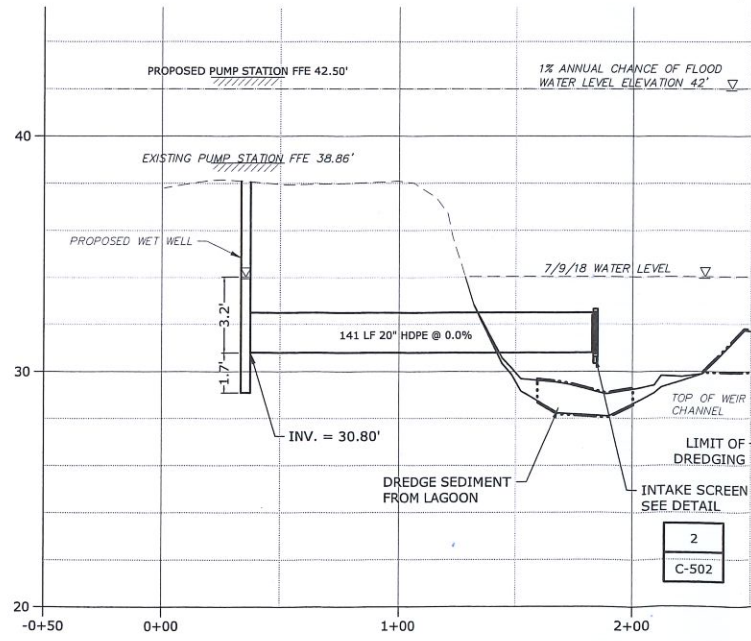
MATCH LINE SEE SHEET C-105A

Date: 5/1/2020
 Plotted on: Aug 21, 2020 8:56am By: ABS
 Title & Board: J:\M\0736 MA DCR Engineering Services\Drawings\Autocad\Sheet\0736-71-C-102_C-105.dwg



TENTH HOLE LAGOON PLAN VIEW - DEMOLITION

1"=30'

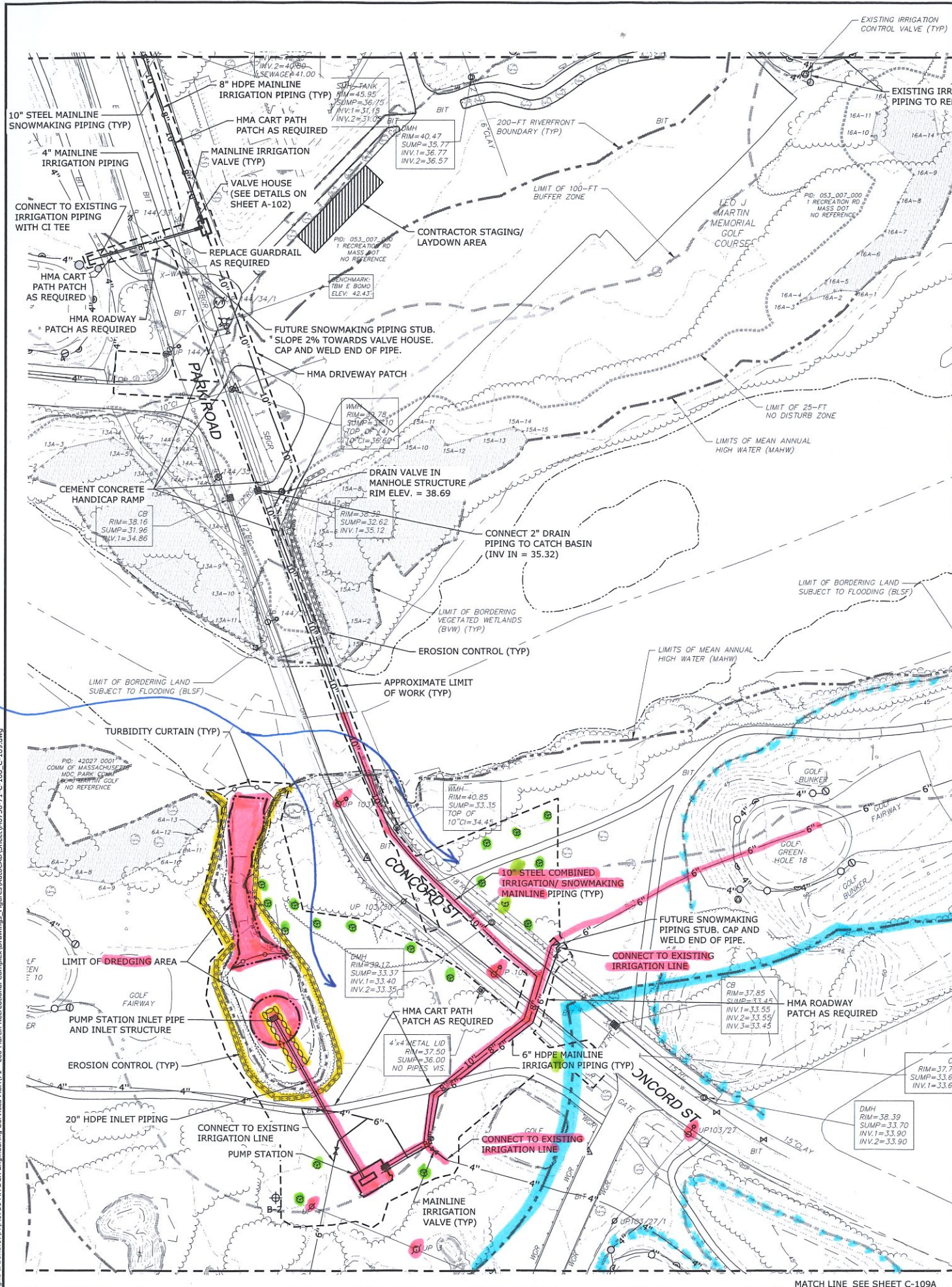


TENTH HOLE LAGOON PROFILE

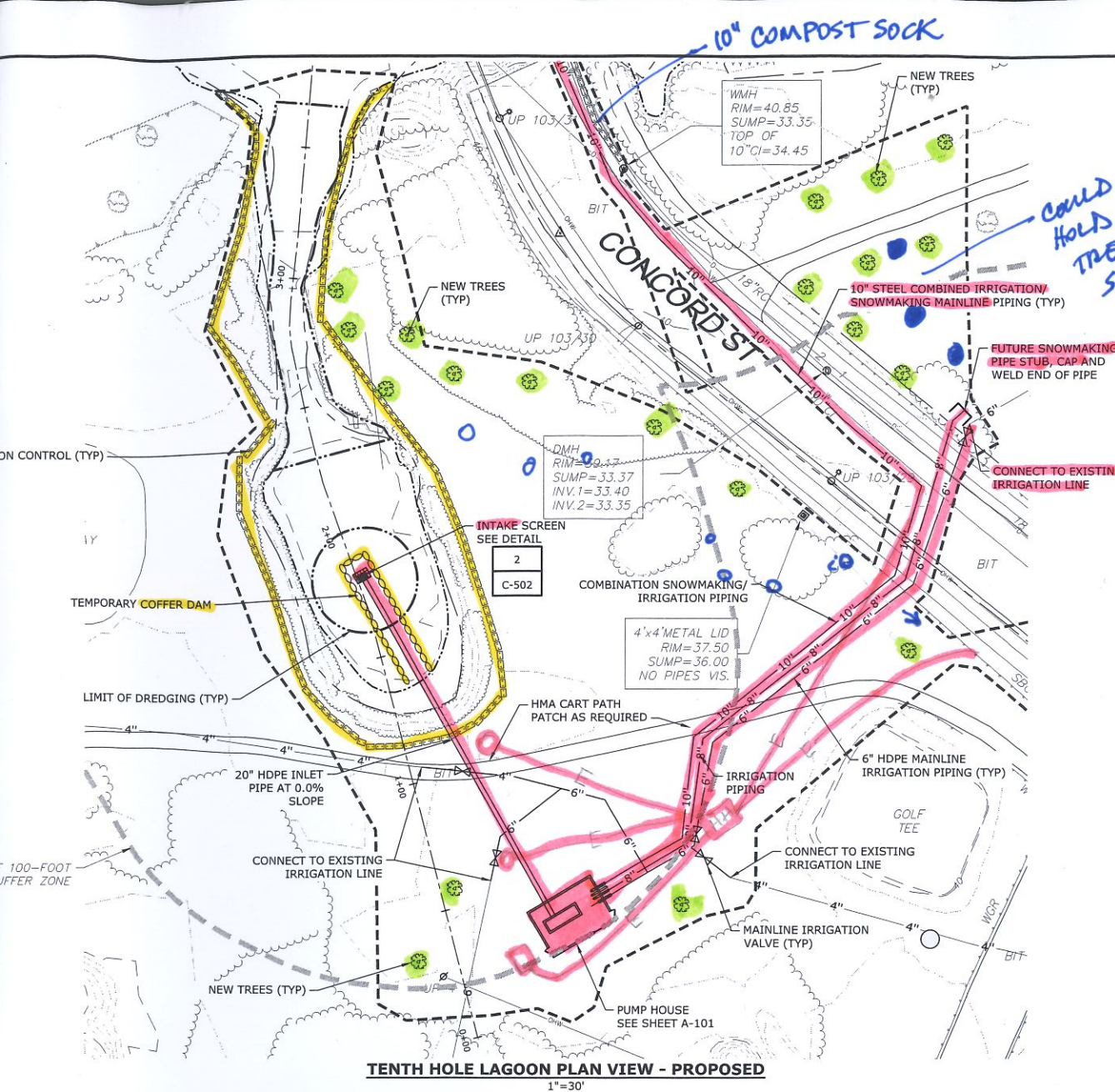
1"=40' HORIZ; 1"=4' VERT

Last Saved: 5/1/2020
 Plotted On: Aug 21, 2020 9:01 am By: ABS
 Title & Bore: 3:\W0726 WA DCR Engineering Services MSA\1 - Leo Martin Recreational Complex\Drawings - Figures\AutoCAD\Sheet\W0726-71-C-110.dwg

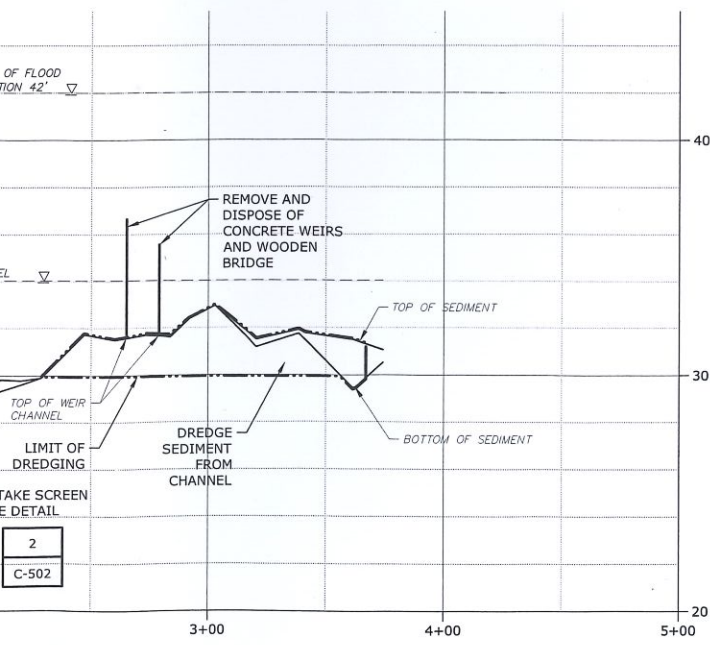
Loam + seed



Last Saved: 8/21/2020
 Plotted On: Aug 21, 2020 10:22am By: ABS
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 P:\GIS & Survey\2020\2020-1022am By: ABS



TENTH HOLE LAGOON PLAN VIEW - PROPOSED
1"=30'



PROFILE VIEW
4' VERT

NOTES:

1. ALL PUMPS, MOTORS, AND OTHER EQUIPMENT FROM EXISTING PUMP STATIONS TO BE SALVAGED AND RETURNED TO DCR.
2. PROPOSED PUMP HOUSE SILL ELEVATION SET BASED ON 6" ABOVE ANNUAL CHANCE OF FLOOD ELEVATION.
3. 18 TOTAL MAPLE TREES TO BE PLANTED AT APPROXIMATE LOCATIONS SHOWN. SEE PLANTING DETAIL SHEET C-510.
4. ALL WORK SHOWN ON THIS SHEET IS WITHIN THE 200-FOOT RIVERFRONT AREA.
5. NO DREDGING SHALL OCCUR BEFORE JULY OR AFTER SEPTEMBER.

Permit Review
Not for Const

Department
Conservation
and Recreation

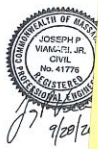
Leo J. Martin
Recreational
Complex
Improvement
Project

Weston,
Massachusetts

VERIFY SCALE
BAR IS 1 INCH / ORIGINAL DRAW
IF NOT ONE INCH THIS SHEET, ADJUST SCALES ACCORDINGLY

B	8/21/2020	Permit Set
A	11/7/2018	75% Drawing
MARK	DATE	DESCRIPTION
PROJECT NO:		M07
DATE:		8/1/20
FILE:		M0736-71-C-110.dwg
DRAWN BY:		
CHECKED:		
APPROVED:		
LAGOON PLAN A PROFILE		
SCALE:		A

C-110



COULD HOLD MORE TREES + SHRUBS

Scale 1/8"=1'

drawn by SP

egb all E

tr n e

BLSE/
PFA

TABLE 1
New England Erosion Control/Restoration Mix for Dry Sites

Common Name	Scientific Name ¹	Indicator Status ¹
Canada Wild Rye	<i>Elymus canadensis</i>	FACU
Red Fescue	<i>Festuca rubra</i>	FACU
Annual Ryegrass	<i>Lolium multiflorum</i>	
Perennial Ryegrass	<i>Lolium perenne</i>	
Little Bluestem	<i>Schizachyrium scoparium</i>	FACU
Switch Grass	<i>Panicum virgatum</i>	FAC
Indian Grass	<i>Sorghastrum nutans</i>	FACU

¹Source: USDA, NRCS. 2019. The PLANTS Database (<http://plants.usda.gov>, 11 February 2020). National Plant Data Team, Greensboro, NC 27401-4901 USA.

Bank
(under
reinforced
turf
mat)

TABLE 2
New England Erosion Control/Restoration Mix for Detention Basins and Moist Sites

Common Name	Scientific Name ¹	Indicator Status ¹
Riverbank Wild Rye	<i>Elymus riparius</i>	FACW
Little Bluestem	<i>Schizachyrium scoparium</i>	FACU
Red Fescue	<i>Festuca rubra</i>	FACU
Big Bluestem	<i>Andropogon gerardii</i>	FACU
Switch Grass	<i>Panicum virgatum</i>	FAC
New York Ironweed	<i>Vernonia noveboracensis</i>	FACW
Upland Bentgrass	<i>Agrostis perennans</i>	FACU
Beggar Ticks	<i>Bidens frondosa</i>	FACW
Spotted Joe Pye Weed	<i>Eupatorium maculatum</i>	OBL
Boneset	<i>Eupatorium perfoliatum</i>	OBL
New England Aster	<i>Symphotricum novae-angliae</i>	FACW
Wool Grass	<i>Scirpus cyperinus</i>	OBL
Soft Rush	<i>Juncus effusus</i>	OBL

¹Source: USDA, NRCS. 2019. The PLANTS Database (<http://plants.usda.gov>, 11 February 2020). National Plant Data Team, Greensboro, NC 27401-4901 USA.

TABLE 3
Containerized Tree Species for Riverfront Area Restoration

Common Name	Scientific Name ¹	Indicator Status ¹	Height ²
Silver Maple ³	<i>Acer saccharinum</i>	FACW	4'-6'
Red Maple	<i>Acer rubrum</i>	FAC	4'-6'
Northern Red Oak	<i>Quercus rubra</i>	FACU	4'-6'

¹Source: USDA, NRCS. 2019. The PLANTS Database (<http://plants.usda.gov>, 11 February 2020). National Plant Data Team, Greensboro, NC 27401-4901 USA.

²Minimum recommended height; subject to availability.

³Preferred species for planting within 50 feet of the Charles River and lagoon.

Notes:

- For lagoon Bank restoration, live tubelings of black willow (*Salix nigra*) or other comparable native willow species (as available from NEWP, Inc.) shall be planted at an approximate spacing of two (2) feet on center, staggered.
- Tree species substitutions for Riverfront Area restoration may be required based on the availability of native material. Substitutions shall be approved by the DCR Ecology Program and/or DCR Landscape Architect.
- Seed mixes shall be applied based on the application rate specified by the supplier.

CONSERVATION COMMISSION MINUTES

Date: October 8, 2020

Time: 7:01pm – 10:17pm

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 7:01 Susan Lunin presiding as Chair, and Dan Green taking over later in the proceedings.

Members Present: Susan Lunin, Leigh Gilligan, Kathy Cade, Jeff Zabel, Judy Hepburn, 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. 53 Wendell Rd – Minor Plan Change – DEP File #239-852

- Owner/Applicant: Ron and Karin Zalkind Representative: Cristina Campa, Cristina Campa Landscape Architecture Inc.
- Request: Approve minor plan change.
- Documents Presented: Colored plans, site photos
- Jurisdiction: BLSF, City Flood Zone
- Requested Plan Changes
 - Reduce the number of shrubs planted within jurisdiction from 55 shrubs to 38 shrubs.
 - Reduce overall groundcover planting area to 950 s.f., substitute w/ 925 s.f. of fescue mix.
 - Reduce lawn area by 17 s.f.
 - Leave all trees in originally approved positions, except the western most (left most on plan sheet provided in packet) which will be moved back by 3'.
- Presentation (Cristina Campa) and Discussion:
 - Campa ran through the desired (more limited) plan changes.
 - Only one birch will move and will only move 3 feet.
 - The number of shrubs has been increased.
 - Shrubs will be of good size; all will be at least #3 pots, some will be #5 and #7.
 - A maple leaf viburnum was added to increase diversity. Katz noted that a leaf beetle is a problem.
 - Campa noted that groundcover will be 2" plugs, spaced 12" apart and that the fescue and groundcover areas will be covered with jute for weed and erosion control. Katz noted that Allegheny spurge is browsed by rabbits.
 - Rundelli noted that all non-natives are outside ConCom jurisdiction.
 - The revised plan change request better addresses staff and Commission concerns and seems more appropriate as a minor plan change request. Staff could issue a memo.
- Vote: to approve the modified **and annotated** plan sheet as a minor plan change to OOC #239-852. [Motion: Green; Second: Gilligan; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]

2. 24 Village Road – NOI – construction of new detached garage and new driveway – DEP File #239-866

- Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Riverfront Area
- Project Summary
 - Construction of a 20'x24.5' attached, garage. Existing garage will be converted to storage.
 - Pouring of a new asphalt driveway that begins at the street at 12' wide and meets the garage at 20' wide. The existing driveway will be reduced to 10' wide down its entire length.
 - Installation of underground infiltration chambers and trench drain to collect runoff from driveway and new roof.



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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www.newtonma.gov

- Installation of 3 mitigation planting areas planted with a total of roughly 25 shrubs, plus the relocation of some existing shrubs that will be at risk due to the new garage location. Total mitigation area is 1031 s.f.
- The project will result in roughly 800 s.f. new impervious area on the site, all within the outer riparian zone.
- Presentation (Tony Stella civil engineer) and Discussion:
 - Stella walked through the recently revised plans noting the changes.
 - Due to on-going access restrictions at the Registry, the applicant's attorney has been unable to determine details of the prohibitions placed on the "25' setback" were never resolved so the owners opted to stay out of it, entirely. Garage will now be attached to the house and out of the setback.
 - Garage was to have been 24'x26', it is now 20'x24', is now 175' from river, and now won't require any tree cutting.
 - Driveway is also narrower (only 20' wide).
 - There is now 1031 s.f. of mitigation planting beds.
 - Steel asked about the damage to roots of the Norway maple due to driveway excavation. Stella noted excavation would be roughly 15" deep (12" base and 3" of asphalt), but would impact a small portion of the maple's roots.
 - Staff can mail the Order to Stella for recording.
- Vote to close the hearing and issue and Order of Conditions with the following special conditions. [Motion: Zabel; Second: Katz; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
 - A concrete washout plan designed to keep all wash water on the site must be presented to the Conservation Commission for review and approval.
 - Landscape plantings of the three mitigation areas shown on the plan must:
 - Be installed in compliance with the approved plans; desired changes must be pre-approved by the Conservation office
 - Have a survival rate(after 2 growing seasons) of 75% of aerial coverage of each of the 3 mitigation beds.
 - If, within 2 years of the start of construction, the Norway maple beside the new driveway dies or has been demonstrably harmed by construction activities, it shall be replaced with 2 native canopy saplings (of roughly 2 caliper inches).
 - The stormwater infiltration system must be installed as per the approved plans.
 - The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.

3. 33 Staniford Street – NOI – observation deck – DEP File #239-876

- Owner/Applicant: Zaid Ashai Representative: Eric Las, Beals and Thomas, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone
- Project Summary
 - Note: The site was part of an enforcement action years ago that obligated the previous owner to stabilize the slope and plant natives at the base of the slope. The slope is stable, but with "junky" species, and the base of the slope that was planted with natives is being overtaken by Japanese knotweed. The current owners would like to improve and enjoy the site.
 - Construct a 40' x 15' (600 s.f.) observation deck off of existing lawn over the vegetated slope at the rear of the lot. Proposed deck to be supported by sonotubes. The deck, at its closest, will be 74' from the BVW.
 - Remove remaining silt fence and other litter from previous owners.
 - Remove and retard existing Japanese knotweed stands through mechanical measures (black tarps).
 - Install native sapling, shrubs, and conservation seed mix within a 20' wide Buffer Zone enhancement area at the rear edge of the property.
- Presentation (Andrew Gorman, Beals and Thomas) and Discussion:
 - Revised plans were submitted for the hearing that addressed all of the staff comments and concerns.
 - Since the deck will project out over the northern scrub-vegetated slope (i.e., beyond the edge of lawn), it does not qualify for the "deck exemption."
 - They will use staked compost sock for erosion control during construction, and stone under the deck for long-term erosion control.

- The project includes a buffer zone enhancement effort in the “back/bottom” 20 feet of the lot. They will remove the old chain link fence, historic debris, and extensive Japanese knotweed (by pulling/tarping/foiar herbiciding). They will plant native sapling, shrubs, and a conservation seed mix.
- Katz noted that injection more targeted and effective than foliar spray for knotweed control.
- Steel suggested an aggressive, sustained removal effort then a planting effort. She suggested a 5-year OOC would be appropriate. The applicant’s representative agreed and noted that they would replace any plants that die.
- Katz noted that if the owners wanted to put a roof over the deck, it would need to be approved by Con Com.
- Vote to close the hearing and issue and Order of Conditions with the following special conditions. [Motion: Lunin; Second: Gilligan; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
 - Complete vegetated stabilization around the deck must be achieved and maintained as shown on the approved plans
 - Invasive removal efforts must be initiated before or concurrent with the start of construction in order to ensure they are completed, planting is initiated, and survival is ensured during the lifespan of this permit. Any desired changes to the invasive species treatment must be reviewed and approved by the Conservation Office prior to initiation.
 - Invasive removal efforts shall be as identified on Plan Sheet 4, but may be augmented at the discretion of the licensed professional to include cut and drip and/or stem injection.
 - No existing trees shall be disturbed with herbicides, cutting, or trampling.
 - Landscape plantings within Commission jurisdiction must:
 - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
 - 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).
 - Tarps shall be removed entirely prior to the installation of the seed mix.
 - The Conservation Seed mix must provide 75% coverage after one growing season.
 - The deck, as shown on the approved plans, shall not be modified (extended, covered, roofed, or walled) without permission of the Conservation Commission.

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

- Owner: Ilya Zvenigorodskiy
- Request: Determine compliance re enclosing area under the house with “lath”.
- Documents Presented: Site photos
- Jurisdiction: Flood zone
- Staff Notes: The Commission had determined that:
 - The regs require “unrestricted hydraulic connection” for all areas serving as flood storage.
 - The question for the Commission is: what must the owner do to bring the site into compliance.
 - Commission has noted that:
 - It would like to allow the owner (and others in similar situations) to provide safety
 - It is their preference to have no skirting
 - It is the applicant’s duty to prove that any proposed skirting will not restrict the hydraulic connection
 - Zvenigorodskiy’s lath violates the OOC by enclosing the crawl space.
 - The owner should have appealed the OOC if the condition was not acceptable OR
 - The owner should have sought approval of a plan change prior to installing skirting
 - The Commission should require of this owner whatever it would allow future applicants under a new guidance or policy for such circumstances that will ensure that water can pass freely from all directions in times of flooding (even when debris is present).
- Discussion of a Flood Zone Construction Guidance (the Conservation Commission)
 - Green noted that prior to discussing 116 Upland Ave, the Commission should first discuss and decide upon the draft guidelines that have been in development for several weeks. The goal is to provide what the Commission feels is readily approvable; other designs could be proven by an applicant to be acceptable.
 - Katz noted that when she proposed wire cables as a possible barrier, she did not envision them being 1” apart, as implied in the draft guidelines. Steel noted that she had put in the 1” figure to be consistent, but agreed that wires could and likely would be more than 1” apart.

- Hepburn noted that apertures of wire mesh should be required to be at least 2" on a side and at least 1"x4"
- Green noted that the guidance could be modified if/as needed based on experience.
- Katz suggested the addition of Tom Maguire's title/credentials and adding note: "If you are unsure, ask".
- Zvenigorodskiy noted his appreciation of the clearer definition, and noted that it would have been good to have such a guidance in place before he installed his lath.
- Vote to adopt guidelines as modified. [Motion: Zabel; Second: Lunin; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- Presentation (Ilya Zvenigorodskiy) and Discussion of 116 Upland Ave
 - Zvenigorodskiy noted that he had: created extra compensatory storage; installed 60 arbor vitae, not a solid fence; installed a pump to help neighbors; and installed lath that was in keeping with other neighbors' construction in flood zone. He shared photos of the solid panel fence along his rear lot line and the vertical lath on his neighbor's deck. He noted that his neighbor's fence is not compliant with the guidance, his neighbor's vertical lattice is not compliant with the guidance, and the foundation at 170 Upland has vents
 - Rundelli pointed out that 170 Upland did not have to provide extra compensatory storage.
 - Gilligan and Green noted that Zvenigorodskiy's Order of Conditions barred enclosure, and Green noted that Zvenigorodskiy's enclosure doesn't allow the free flow of water.
 - Zvenigorodskiy noted that there weren't guidelines at the time he got his permit and that he tried to follow all the conditions and didn't intend to do anything wrong. He feels that water can enter from all sides.
 - Green noted that the OOC was clear and that Zvenigorodskiy should have asked prior to installing the lath. Unfortunately, one has to provide the free flow of flood waters, so all the other good things he did don't "count" in this matter. Green apologized for the hassle, but stated that Zvenigorodskiy would have to come up with a plan that meets his aesthetics and the Commission's guidelines. He could, for example, remove every other board.
 - Katz suggested using wire mesh behind whatever exterior Zvenigorodskiy chose to keep small creatures out.
 - Katz noted that South Meadow Brook is a huge watershed and floods are significant
 - Cade suggested that we close the discussion, noting that Zvenigorodskiy should develop a proposal. The Commission agreed and asked that he do so by the end of the year. His permit (239-824) is due to expire in December 2021.
- Consensus: Ensure that Zvenigorodskiy submits a proposal for compliance before December 31, 2020.

5. **Bullough's Pond Skating Shed – Violation of Administrative Approval – Unpermitted Retaining Wall**

- Owner: Newton Parks, Recreation, and Culture (PRC) Private Partner: Bullough's Pond Association (BPA)
- Issue: Unpermitted retaining wall constructed in buffer zone on PRC land by a private organization.
- Documents Presented: Site photos, administratively approved sketch plan
- Jurisdiction: Buffer zone
- Presentation (Jennifer Steel) and Discussion (PRC's Open Space Coordinator, Luis Perez Demorizi):
 - Staff issued administrative approval to the City (Public Buildings, DPW and PRC) to remove the skating shed/hut and power pole. There was no significant alteration to the surrounding area. The concrete slab and the wooden deck remained. Native shrub plantings enhanced the nearby slope.
 - Then, on 9/13/19 staff issued administrative approval for the removal of the failing deck based on sketch plans received from (and site visits with) Laura Studen. The approved plans were for a small "bead" of soil and native plants to be installed along the front edge of the slab to eliminate the falling hazard.
 - On 9/13/19, Laura Studen wrote to Jennifer Steel: "Thank you for your feedback and for Luis help on this project. Can I order the plants today? Is the City going to provide the soil or do I need to buy it (at considerable additional expense to the BPA) but I will do it if necessary to get the plants in the ground ASAP.
 - On 9/13/19, Jennifer Steel made a site visit to check on the straw wattles that defined the area to be planted.
 - Sometime between September 2019 and September 2020, without PRC knowledge or approval and without ConCom knowledge or approval, the BPA had a retaining wall installed in front of the concrete slab. The area in front of the retaining wall remains unvegetated.
 - PRC staff were surprised by the appearance of the wall.
 - The PRC will hear the issue on Oct 19, wherein staff will recommend keeping the wall.
 - PRC staff do not want the wall to become a seating wall because of likely trampling, littering, drinking, etc.

- PRC staff would like to leave the wall in place with after-the-fact permitting undertaken by BPA. PRC would like BPA to work with the contractor they hired to develop and provide the ConCom with all appropriate application information including plans and details of the wall.
 - PRC staff would like BPA to plant the area with native low, thorny shrubs and provide construction details of the wall.
 - The ConCom could issue BPA a notice of violation against the violator (disallowing foot passage below the wall, stabilizing the remainder of the site, planting some number of thorny shrubs by a date certain, ceasing all other activities) or else an EO will be forthcoming.
 - Demorizi noted that BPA avoided paying for complete stabilization and created potential nuisance on public land He suggested that he would craft a plan for 20 shrubs to accompany the Notice of Violation.
 - Zabel noted concern about maintaining good relations with BPA.
 - Gilligan noted BPA's reckless disregard for the rules.
 - Katz noted the need to educate the BPA about slope stabilization and the adverse effects of a seating wall.
- Vote: To have staff issue a memo to BPA and PRC requiring installation this season the "Skating Shed Area Planting Plan" developed by the PRC and provide detailed plans and details of the wall. [Motion: Gilligan; Second: Katz; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- 6. 191 Dedham Street – COC – (work never initiated) Path at Countryside School – DEP File #239-845**
- Owner/Applicant: City of Newton Representative: Tiffany Leung, Community Development Planner
 - Request: Issue COC.
 - Jurisdiction: Buffer Zone, BLSF, City Floodplain
 - Staff Notes: No staff site visit needed as work never commenced.
 - Vote: to issue a Certificate of Compliance for work never initiated. [Motion: Zabel; Second: Cade; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- 7. 93 Vine Street – COC – additions to SFH – DEP File #239-800**
- Owner/Applicant: Igor and Alina Berdichevsky Representative: none
 - Request: Issue COC.
 - Jurisdiction: Riverfront Area
 - Staff Notes: Staff site visit on 9/18/20 confirmed compliance; all required paperwork has been received.
 - Vote: to issue a complete Certificate of Compliance. [Motion: Gilligan; Second: Zabel; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- 8. 14 Phillips Lane – COC – addition to SFH – DEP File #239-796**
- Owner/Applicant: Louise Dube Representative: none
 - Request: Issue COC.
 - Jurisdiction: Buffer Zone, Riverfront Area
 - Staff Notes: Staff site visit on 9/21/20 confirmed compliance; all required paperwork has been received.
 - Vote: to issue a complete Certificate of Compliance. [Motion: Lunin; Second: Zabel; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- 9. 427 Crafts Street – COC – addition to SFH – DEP File #239-508**
- Owner/Applicant: Bill and Irina Spiegel Representative: none
 - Request: Issue COC.
 - Jurisdiction: Buffer Zone, Riverfront Area
 - Staff Notes: Staff site visit on 9/21/20 confirmed compliance; all required paperwork has been received.
 - Vote: to issue a complete Certificate of Compliance. [Motion: Katz; Second: Zabel; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- 10. 156 Otis Street – COC – teardown SFH and construct 2 new SFH – DEP File #239-801**
- Owner/Applicant: Brian Hickey Representative: none
 - Request: Issue COC.
 - Jurisdiction: Buffer Zone
 - Staff Notes: Staff site visit on 9/25/20 confirmed compliance; all required paperwork has been received.
 - Vote: to issue a complete Certificate of Compliance. [Motion: Gilligan; Second: Katz; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- 11. Consideration of a new standard "finding" in the ConCom's OOC template**

- Presentation (Jennifer Steel) and Discussion:
 - The Commission has noted their concern about applicants seeking modifications to their projects (e.g., further expansion of lawn, reduction of plant material, etc.) shortly after receiving a permit. Although the Commission cannot prohibit such requests, it can better document the reasoning behind its decisions.
 - Currently, every OOC has a “reasons for approval” section. Consider adding to this section, when appropriate, something to the effect of: “The Conservation Commission finds that this project, with the approved limits of work, required mitigation, and following conditions adequately protects the adjacent wetland resource area(s), but represents the full extent of buffer zone alteration that should be allowed and that requests for further alterations of the buffer zone or any diminution of approved and required mitigation measures should be very carefully conditioned or denied.”
 - Commissioners agreed with the concern and felt that they would like to impart to applicants the notion that “If you want to change your plans, you will have to show that you are improving the environment.”
- Consensus: Gilligan will consider the legal parameters of the issue. The Commission will discuss the matter at the next meeting.

II. CONSERVATION AREA DECISIONS

12. Orienteering on Conservation Land

- Owner: ConCom
- Request: Parks, Recreation, and Culture (PRC) would like to establish permanent orienteering courses on three Conservation Areas: Flowed Meadow, Kennard, and Webster.
- Documents Presented: Program summary and sample map, site photos
- Presentation (Channon Ames, PRC) and Discussion:
 - PRC’s interest is in developing socially distanced activities, in this case, permanent orienteering courses and orienteering programs. Programs would be advertised through PRC, Scouts, summer camps, and established orienteering groups, primarily for beginners/learners (i.e., youth and families). Navigation Games, New England Orienteering, and CSU spurred the idea.
 - PRC will be running a youth orienteering program for 4 Saturdays on PRC land.
 - The proposed permanent orienteering courses would consist of 4x4” posts with “control markers” and potentially QR codes on them, placed in various locations throughout the parcels. The idea is for participants to use maps and compasses to navigate from one point to the next.
 - Markers could be placed near trails, but users may not always remain on trails when traveling to each marker. This could lead to unofficial trail creation.
 - PRC would work with NWOC and ConCom to place markers. PRC would pay for mapping. Eagle Scouts would install the markers. A QR code could be installed on every post for general education. Maps would only be offered as part of PRC programs in the beginning, and then later PRC would post the maps on-line
 - 6 locations have been considered for permanent courses based on the following criteria: >1 mile of trails, scattered throughout the City, more accessible trails, ample parking. The 6 locations are:
 - Cold Spring Park and The Cove: beginners courses (map reading skills) -- loops, fields – could avoid permanent markers Flowed Meadow
 - Kennard and Nahanton: mid-level courses (markers off trail and harder to see).
 - Webster and Edmands: challenging courses (markers off trail and hard to see)
 - Katz and Green noted concern about the sensitive vernal pool habitat in Webster.
 - Lunin suggested a pilot run to answer some questions/address some concerns.
 - Kennard was suggested as a good pilot project location because of the boardwalks and private property limiting off-trail access.
 - Hepburn noted concern about drawing many people to our Conservation parcels.
- Consensus: The Commission will consider a pilot project in Kennard with 10 4x4” post 2’ in the ground 3.5’ tall with control punch, sign medallion, and QR code. Channon Ames will run the idea past Friends of Kennard. Ames will bring a proposed map to the next ConCom meeting with marker locations for a possible spring installation, and programs in the spring, summer and fall Of 2021.

13. Benches and Plaques

- Staff Notes:
 - A Norumbega bench with a plaque, near dog water bowls, went missing.

- CC Coggins would like to donate a Norumbega bench(es) and a plaque in memory of her husband (and son) near the beech tree planted in memory of her son.
- Discussion
 - Cade suggested that required specifications be minimal (length, back, arms, natural) to allow benches to be unique.
 - Cade suggested discrete markers/plaques and few strict guidelines.

III. ADMINISTRATIVE DECISIONS

- 14. Guidelines for Construction in Flood Zone:** See Wetland Cases agenda item #4, above for the complete discussion.
- Vote to adopt guidelines as modified. [Motion: Zabel; Second: Lunin; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
- 15. Minutes of 9/17/20 to be approved**
- Documents Presented: Draft minutes
 - Vote to accept the 9/17/20 minutes with edits accepted. [Motion: Lunin; Second: Gilligan; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (abstain). Vote 6:0:1]

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

UPDATES

V. WETLANDS UPDATES – None at this point in time.

VI. CONSERVATION AREA UPDATES

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

VII. ISSUES AROUND TOWN UPDATES

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

VIII. ADMINISTRATIVE MATTER UPDATES

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

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

- 16. Honoring Ira Wallach.** Dan Green spoke with Ira's wife. Ira is very ill. Green would like to name the new trail in the Old Deer Park for Ira and, if possible, establish a gate to Hammond Pond Parkway, in honor of Ira's service to the ConCom for 23 years and chairmanship from ~1996-2020. The ConCom named the Helen Heyn Conservation Area in honor of her service, so there is precedent. The Commission discussed needing some threshold for such commemoration. Cade suggested that we just do this, and worry about guidelines and thresholds later. Katz noted Norm Christianson's long service as well and encouraged much greater recognition of service, in general.
- Katz suggested getting a certificate of appreciation from the Mayor.
 - Green will explore the possibility of an honorary plaque.
 - Steel and Rundelli will coordinate a montage video of commissioners' personal greetings.

ADJOURN at 10:06

- Vote to adjourn. [Motion: Zabel; Second: Lunin; Roll-call vote: Gilligan (aye), Lunin (aye); Green (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]