

# CONSERVATION COMMISSION MINUTES

Date: December 8, 2020

Time: 7:01pm – 9:42pm

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

<https://us02web.zoom.us/j/82123353605>

**With a quorum present**, the meeting opened at 7:01 Dan Green presiding as Chair.

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

**Members Absent:** none

**Staff Present:** Jennifer Steel and Claire Rundelli

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

## DECISIONS

### I. WETLANDS DECISIONS

#### 1. 1 Quinobequin Road – Minor Plan Change Request – replace gas line under the Charles River – DEP File #239-810

- Owner: Massachusetts DCR Applicant: National Grid Representative: Lori Macdonald, Senior Environmental Scientist, Coneco
- Request: Accept new methods & means as minor plan change not requiring an amended OOC
- Documents Presented: Narrative and revised plans, site photos
- Jurisdiction: Bank, LUWW
- Summary of Changes: The proposed method of vacuuming sediment to create a trench for the replacement pipe was not workable due to the size of stones encountered and the slow pace of vacuuming. The applicant will have to use a long reach excavator (backhoe) to excavate the trench in the riverbed. This proposed change will result in the following site changes:
  - Three additional trees will have to be removed to accommodate the excavator.
  - The applicant will increase mitigation plantings.
- Presentation (Lori Macdonald) and Discussion
  - The applicant's representative stated that the vacuum excavator encountered boulders that slowed work and resulted in an alternate method of trenching being proposed.
  - The change in method of trenching requires an excavator being placed on the Newton side of the Charles River. The excavator body will remain out of the river, only the bucket and arm will enter the water.
  - Using presentation photos, the applicant clarified the location of the excavator. Additional trees will need to be removed in order to provide clearance for the excavator arm.
  - No additional impacts are proposed; all work is within previously approved limit of work.
  - A restoration planting plan was received by the Conservation Office on 12/8/20 including 1 black oak, 2 box elders, 4 gray dogwoods, and 5 nannyberries. Leaf mulch is proposed around the plantings.
  - A second turbidity curtain is also being proposed downstream of the work area, to ensure no material dropping from the excavator bucket impacts the stream.
  - Work in water is proposed in July 2021.
  - Commissioners asked about the existing conditions of the access area. Staff confirmed that the area is already hard packed gravel and is well-travelled.
  - As only one tree was proposed to be removed in the originally approved project, a minimal restoration planting plan of seed mix and bank stabilization with coir logs and willow whips was approved. Staff noted that more than one canopy tree should be required to properly restore the area to its maximum potential. Commissioners agreed.
  - The applicant's representative did not see any issue with adding 3 additional canopy trees plantings, instead of the box elders, and will check with National Grid.
- Vote: To approve the methods and means change as a minor plan change that does not require an amended Order of



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

- Require that the black oak and box elders be removed from the planting plan and be replaced with 2 *Nyssa sylvatica* and 2 white or pin oaks.
- Remind the applicant of the obligation to employ the previously required seed mix, coir logs, and willow whips.

## 2. 22 David Road – RDA – expand second floor sunroom, reconstruct existing deck

- Owner/Applicant: Iliia and Monika Coka Representative: Michele Cosper and Kevin Kieler, Brady Built, Inc.
- Request: Issue DOA.
- Documents Presented: Plans, site photos, draft DOA
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF (115' NAVD88), City Floodplain
- Project Summary
  - Demolish existing sunroom (16'x11') and deck. Construct new, slightly larger sunroom (16'x13.8') and new deck.
  - The new sunroom will be supported by 4 new helical piers and reuse the existing two piers. No changes are proposed to the number of deck supports or stair dimensions.
  - No ground altering work is proposed other than the 4 new piers, as the sunroom is over an existing concrete pad.
  - The existing and proposed sunrooms are above the flood elevation (115'). The rear yard elevation is currently ~112' and there is proposed to be roughly 6' of space under the sunroom.
- Presentation (Kevin Kieler) and Discussion
  - The applicant's representative provided clarification about why the existing sunroom needs to be replaced and why they are using helical piers (to reduce disturbance and fill in flood zone to mere cubic inches). He noted that the existing patio extend beyond the existing sunroom so there will be no increase in impervious area.
  - New fill in flood zone is minimal as it is only the 4 new 6x6" posts.
  - After much discussion, it was determined that neither the owner nor the contractor intended to replace or rebuild the deck at this time, and that any expansion of the deck would require a new filing with the Commission.
- Vote: To issue a negative 2 and negative 3 determination with the following special conditions. [Motion: Susan Lunin; Second: Leigh Gilligan; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
  - The area under the sunroom may not be enclosed in any way which conflicts with the Newton Conservation Commission Guidelines for Construction in Flood Zone. This includes but is not limited to skirting, wire mesh, lattice, or paneling.

## 3. 42 Day Street – RDA – new deck

- Owner/Applicant: Sena Gopal Representative: Domenick Rossi, DR Construction
- Request: Issue DOA.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone
- Project Summary: Construct a new deck on the rear of house, expanding an existing deck area.
- Presentation (Domenick Rossi) and Discussion:
  - The applicant's representative summarized the project and stated that he will use helical piers for the deck posts.
  - Conservation staff clarified where the wetland is and the nature of the wetland resource area.
  - The applicant's representative clarified for the Commission that the patio under the proposed deck will remain.
  - Commissioners discussed and felt that mitigation plantings on slope were appropriate. They proposed some combination of shrubs and ferns, suggesting the applicant's representative propose a total of 4 shrubs and 4 ferns. Species suggested were hay scented fern, low grow sumac, and mountain laurel.
- Vote: To issue a negative 3 determination with the following special conditions. [Motion: Susan Lunin; Second: Kathy Cade; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]
  - A total of 4 native shrubs and 4 native ferns must be planted on the barren embankment near the masonry stairs leading down to the back yard.
    - The 4 native shrubs can be any combination of grow-lo sumac and/or Mountain Laurel.
    - The 4 native ferns can be Hay-scented fern (the most likely to thrive in that location) or other native fern.
  - These plantings must be installed by or before the end of construction.
  - These plantings must be documented by sending a photograph to the Conservation Office.

**4. 193 Lake Ave – NOI – restoration of the disturbed slope – DEP File #239-881**

- Owner/Applicant: Robert E Hughes Jr. and Laura Kay Hughes Representative: David Burke (wetland scientist), Jim Youngblood (Youngblood Builders, Inc.)
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone
- Project Summary
  - Staff misinterpreted a proposed sewer and water line replacement proposal and inappropriately issued administratively approval for the work. The new sewer and water line installation resulted in disturbance of the buffer zone on the north side of the sloping rear yard and required a Notice of Intent.
  - The permitting error was identified, more robust erosion controls have been installed, and the owners have filed a Notice of Intent for the sewer and water line work (post facto) and a robust restoration planting of the disturbed areas.
- Presentation (Dave Burke, Jim Youngblood, Craig Halvorson (landscape architect), Michael Coffin (landscape designer and contractor) and Discussion:
  - Applicant’s representative provided a summary of the sewer work and the requested “landing zone” within buffer zone for completing the retaining wall outside the buffer zone. This landing area will be restored under the proposed planting plan. The proposed grading changes were clarified and are very minimal.
  - The applicant’s representative clarified that one old retaining wall (outside buffer zone) has already fallen and replacement work is already underway.
  - A secondary set of erosion controls along the 100’ buffer zone line has been installed on site.
  - Commissioners applauded the robust proposed planting plan. The project’s landscape architect (Craig Halvorson) stated that their main goal was quick revegetation and stabilization through the dense plantings of masses of shrubs and groundcovers.
  - Commissioners questioned whether the non-native species should be replaced, and the applicant’s representative stated that they can look for the requested substitution. The Commission agreed that this did not need to be conditioned, but that they would appreciate the use of native plants exclusively rather than a mix of native and exotic plants.
  - Commissioners noted the need to further discuss how the Commission should view use of native plants exclusively on more sensitive sites.
- Vote: To close the hearing and issue an OOC with the standard restoration planting and tree protection special conditions. [Motion: Jeff Zabel; Second: Susan Lunin; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]

**5. 40 Albemarle Road – NOI – teardown/rebuild single-family home – DEP File #239-880**

- Owner/Applicant: Jeremy Osinski and Megan McHugh Representative: John Rockwood, EcoTec, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary
  - The demolition of the existing 1,047± square foot single-family house with one car garage and bulkhead and associated site features including paved driveway, and front and side/rear walkways and stairs, and the removal of one 18” spruce tree.
  - The construction of a 2,027± square foot single-family house with a two-car garage, front porch, and bulkhead; paved driveway; and front walkway and stairs with associated grading, lawn, and landscaping.
  - The project will result in 901± s.f. increase in total impervious area on the site.
  - Drainage improvements proposed include a trench drain, manhole sump, and two infiltration systems to address driveway and roof runoff.
  - Two mitigation planting areas with a total of 9 saplings and 53 shrubs are proposed, totaling 1,890± s.f. (a 2:1 ratio for the increase in impervious area).
- Staff Notes:
  - The applicant could not complete revised plans in time for the 12/8/20 meeting and has requested a continuation to the 1/7/21 Conservation Commission meeting.

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- Vote: To accept continuation request to the 1/7/20 meeting, to allow applicant to provide revised plans based on staff comments. [Motion: Ellen Katz; Second: Judy Hepburn; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]

**6. 1000 Commonwealth Avenue – COC – OLD dredging of ponds – DEP File #239-627**

- Owner: City of Newton Applicant: Maria Rose, DPW
- Request: Issue COC.
- Jurisdiction: Buffer Zone, City Floodplain
- Staff Notes: During the review of DPW’s recent NOI for the dredging of the City Hall ponds, staff noticed that the previous dredging project had not been closed out. This is the request to close the old file. Dredging was completed, mitigation plants were installed. We received the Environmental Engineer’s certification of project completion, WPA Form 8a, records of the volume of dredged material, and photos of plant installation.
- Vote: To issue a complete Certificate of Compliance. [Motion: Kathy Cade; Second: Jeff Zabel; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]

**II. CONSERVATION AREA DECISIONS**

**7. Ira Wallach remembered.** Dan Green noted Ira Wallach’s recent passing and that he had shared the video of appreciation made by the Commission with Ira’s wife Carol. We will continue to work on the trail in the Old Deer Park in Ira’s memory.

**8. Trailhead Signs**

- Discussion:
  - Staff need Commission’s decision on wording for trailhead signs. One response has been received.
  - The Commission began discussions, but wordsmithing in a group setting was deemed too difficult.
  - It was pointed out that there are two important issues that need determination: whether to include “dawn to dusk” limitations and whether to note the prohibition on bikes.
  - It was noted that several old signs remain at Martin Conservation Area and should be removed.
- Consensus: Commissioners agreed that staff would send around the “homework assignment” again for Commissioners to comment and would then compile all comments for further consideration by the Commission.

**9. Trails**

- Request: Are any commissioners interested in field-truthing ACROSS layouts?
- Discussion:
  - Staff provided a summary of the ACROSS trail loops work done by the MIT intern. The three remaining items before the loops are fully signed and advertised is: field truthing, advertising online, and installing medallions in the field.
  - Commissioners raised concerns about permissions from other City Departments, including PRC. Staff confirmed that we have support from the Mayor and the project is listed in the OSRP.
- Consensus: Ellen Katz volunteered to field-truth the Upper Falls loop. Dan Green volunteered to field the Webster and Hammond Pond loops. Leigh Gilligan and Jeff Zabel volunteered to field-truth the Cold Spring Park loop.

**10. Conservation Area Projects**

- Discussion:
  - Commissioners feel that chipping dumped and fallen brush and logs for aesthetic reasons is appropriate at a number of parcels including Norumbega, Old Deer Park, and Wilson. Staff will solicit an estimate from our contractor.
  - Commissioners did not have any ideas for Eagle Scout projects but will send along any they have to staff.

**III. ADMINISTRATIVE DECISIONS**

**11. Minutes of 11/19/20 to be approved**

- Documents Presented: Draft minutes
- Votes: To accept the 11/19/20 minutes. [Motion: Susan Lunin; Second: Jeff Zabel; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]

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

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**UPDATES**

**V. WETLANDS UPDATES**

- Bullough’s Pond Skating Shed Violation: Native shrubs were installed at the base of the retaining wall (seating wall).

**VI. CONSERVATION AREA UPDATES**

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- Houghton Garden – Hydroraking: Hydroraking is now underway. Organic material is being deposited on site and will be deposited in the Old Deer Park swimming pool to alleviate the risk of falling.
- Charles River Pathway – Stairs: Contract has been signed; we are hoping work can begin before the season ends.

#### **VII. ISSUES AROUND TOWN UPDATES**

- OSRP approval: The state is awaiting a complete ADA inventory for every PRC parcel. PRC staff are working to complete this effort.
- Christina Street Bridge Feasibility Study: Staff are working to send out a “solicitation of qualifications” to potential vendors and secure the MBTA access license.
- Climate action implementation rolls along! Interviews for the Energy Coach position will begin next week, and the MOU between the City and the utilities will be initiated next week.

#### **VIII. ADMINISTRATIVE UPDATES**

- Interns: Staff hope to get a Northeastern co-op student for the spring to assist with land management efforts.

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

##### **12. 156-158 Otis Street – COC Re-sign – teardown SFH/rebuild two SFH – DEP File #239-801**

- Owner/Applicant: Brian Hickey Representative: none
- Request: Re-sign COC.
- Jurisdiction: Buffer Zone
- Presentation: The original, wet signature copy of the COC for this project was misplaced and a re-sign is needed for recording at the Registry.
- Vote: To re-sign and issue a complete Certificate of Compliance. [Motion: Susan Lunin; Second: Ellen Katz; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]

##### **13. Sale of New Balance property**

- Discussion: Commissioners brought up a report of New Balance selling their property in Brighton that abuts (and provides parking and access to) Hunnewell Conservation Area. The temporary easement may disappear with the sale, and there is currently no convenient access for parking anywhere surrounding the parcel. Staff noted that they would discuss with City leadership and PRC to determine any potential action that needs to be taken.

##### **14. Stewards Gathering 12/9/20**

- Discussion: Staff shared that the Newton Conservation Area Stewards would be having a short, social Zoom gathering this week to discuss successes of 2020, COVID impact on parcels, and wish list projects!

##### **15. 2021 Meeting Dates**

- Discussion: Staff shared with the Commission the approved schedule of ConCom meetings for 2021 and noted that these dates would be available on the website by the end of the week.

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#### **ADJOURN**

- At 9:31pm [Motion: Susan Lunin; Second: Kathy Cade; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Cade (aye), Katz (aye). Vote 7:0:0]