

CONSERVATION COMMISSION AGENDA

NOTE: In addition to the documents presented in the Commission's packet (available on the Commission's website, full NOI plans and narratives are available on [the Commission's website](#).

NOTE: Items may be taken out of order at the Chair's discretion and discussions of wetland cases may be limited in their time.

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, April 1, 2021 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the April 1, 2021 Conservation Commission meeting will be posted at the following web address 48 hours in advance of the meeting.

<https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission>

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.

DECISIONS

I. WETLANDS DECISIONS

1. Marty Sender Path in Auburndale Park - presentation

- Owner/Presenter: Luis Perez Demorizi, Newton Parks, Recreation and Culture (PRC)
- Request: Determine if work as proposed falls under Generic OOC.

2. 28-30 Riverdale Avenue – cont'd NOI –contractor yard renovations – **DEP File #239-XXX**

- Owner/Applicant: 28-30 Riverdale Ave LLC Representative: Lar Greene, McCarty Engineering
- Request: Issue OOC.

3. 192 Concord Street – NOI – addition on a single-family home – DEP File #239-886

- Owner/Applicant: Haim Senior, Concord Street Investments LLC Representative: John Rockwood, EcoTec, Inc.
- Request: Issue OOC.

4. 33 Staniford Street – Amendment Request – DEP File #239-876

- Owner/Applicant: Zaid Ashai Representative: Andrew Gorman, Beals and Thomas, Inc.
- Request: Issue an Amended OOC.

5. 73 Beaconwood Road – Enforcement – removal of trees without appropriate pre-construction requirements met – DEP File #239-791

- Owner/Applicant: Matthew Haney, PZ Realty Second Owner: Capasso Realty Trust
Representative: none
- Request: Ratify Enforcement Order issued by staff on 3/25/21

6. 10 Cumberland Road – cont'd NOI – reconstruction of garage/sunroom and new deck – DEP File #239-884

- Owner/Applicant: David Chao Representative: Scott Goddard, Goddard Consulting, LLC
- Request: Continue hearing to 4/22/21.

II. CONSERVATION AREA DECISIONS

7. Beekeeping on Conservation Land – Discussion with Current Beekeepers

8. Trailhead Signs

- Landowner: Conservation Commission
- Request: Receive feedback on sample signs and vote to approve.

III. ADMINISTRATIVE DECISIONS

9. Minutes of 3/11/21 to be approved

IV. ISSUES AROUND TOWN DECISIONS

UPDATES

V. WETLANDS UPDATES

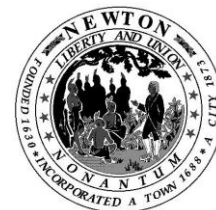
VI. CONSERVATION AREA UPDATES

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
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Kathy Cade

Dan Green

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Ellen Katz

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DECISIONS

I. WETLANDS DECISIONS

1. Marty Sender Path in Auburndale Park - presentation

- Owner/Presenter: Luis Perez Demorizi, Newton Parks, Recreation and Culture (PRC)
- Request: Determine if work as proposed falls under Generic OOC.
- Documents Presented: Aerial Overview
- Project Summary
 - ~1250' of pathway improvements trail to comply with ADA requirements.
 - Remove existing surfacing (~3") and resurface ~1185' of existing (863' in RFA only; 322' is in RFA and FZ)
 - Construct 65' new path to connect trails near bathroom building (RFA and FZ).
 - Surface 4 overlook trails to allow for accessibility (RFA only)
 - install 1 new donated bench
 - Applicant is proposing to remove an excess of existing trail material to ensure that there will be no net fill.
 - Applicant is proposing to install staked straw wattles between the Charles River and the path alignment/overlooks for erosion control.
- Jurisdiction:
 - All work is within RFA.
 - Some work is also within Buffer Zone to Bank and Flood Zone
- WPA Performance Standards
 - **RFA: 10.53(6) Notwithstanding the provisions of 310 CMR 10.58, the Issuing Authority may issue an Order of Conditions permitting as a limited project the construction, rehabilitation, and maintenance of footpaths, bikepaths, and other pedestrian or nonmotorized vehicle access to or along riverfront areas but outside other resource areas, provided that adverse impacts from the work are minimized and that the design specifications are commensurate with the projected use and are compatible with the character of the riverfront area. Generally, the width of the access shall not exceed ten feet of pavement, except within an area that is already altered (e.g., railroad beds within rights of way). Access shall not be located in vernal pools or fenced in a manner which would impede the movement of wildlife.**
 - **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.



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- 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.
- **Stormwater: 10.05(6)(m)(6)**
 - The Stormwater Management Standards shall apply to the maximum extent practicable to the following: ... Footpaths, bikepaths and other paths for pedestrian and/or nonmotorized vehicle access.
- Generic Trails OOC Thresholds
 - **SECTION I. Work to be allowed under a generic Order of Conditions without further notification to the Commission**
 - Routine maintenance of existing trails and access roads. Routine maintenance of trails and access roads is defined as work on the existing treadway/surface, the airspace above the treadway/surface, and vegetation control within 2 feet of the treadway/surface. Routine maintenance includes:
 - Improving (with woodchips, stone dust, or gravel) or widening the treadway/surface of an existing trail/access road
 - **SECTION II. Work which requires notification to and Administrative Approval by the Commission or Conservation Office, but which may not require a separate new Notice of Intent filing.**
 - Creating or re-routing a trail
- Staff Notes:
 - Staff feel that the work, with bills of lading or other proof confirming removal of sufficient fill, may fall under the Generic Trails OOC, section I and section II, above. This work is similar to the Dolan Pond trail resurfacing that the Commission approved under the Generic OOC in 2020, which as in City Floodplain.
 - The Commission may feel that the project warrants an NOI and OOC.
- Staff Recommendations: Determine if proposed work qualifies under Generic Trails OOC for approval without a Notice of Intent.

2. 28-30 Riverdale Avenue – cont’d NOI – renovate existing structure, construct new building and centralized parking – DEP File #239-XXX

- Owner/Applicant: 28-30 Riverdale Ave LLC Representative: Lar Greene, McCarty Engineering
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Performance Standards
 - **RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation 10.58(5)**
 - ... work improves existing conditions.
 - Redevelopment means ... reuse of degraded or previously developed areas.
 - A previously developed riverfront area contains areas degraded prior to August 7, 1996....
 - Work to redevelop previously developed riverfront areas shall ...:
 - (a) At a minimum, work shall result in an improvement over existing conditions ...
 - (b) Stormwater management is provided according to standards
 - (c) Proposed work shall not be closer to the river than existing conditions or 100’, whichever is less
 - (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
 - (e) ... proposed work shall not exceed the ... degraded area ... except in accordance with 10.58(5)(f) or (g).
 - (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
 - (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
 - (h) The issuing authority shall include a continuing condition in the COC ...under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....
 - **Bordering Land Subject to Flooding: 10.57**
 - Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
 - Work shall not restrict flows so as to cause an increase in flood stage or velocity.

- Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.
- **City Floodplain, Sec. 22-22. Floodplain/Watershed Protection Provisions.**
 - (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
 - (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
 - a) Any building or structure for which compensatory storage is provided ...
- Project Summary
 - Demolish existing house and detached garage. Remove storage bins and covered stockpile areas. Existing commercial building to remain.
 - Renovate existing commercial building, construct new contractor building along northerly property line, create centralized parking area, install stormwater management, install plantings.
 - Proposed stormwater management system is designed to capture both roof runoff and parking lot runoff through direct connections to underground infiltration chambers and through a foundation drain (around the new building) that overflows into the chambers.
 - Remove 4 trees along the eastern property boundary.
 - Plant within wetland jurisdiction: 10 saplings, 20 shrubs, and 3 perennial grasses.
- Staff Notes:
 - The revised plans addressed most staff comments:
 - Flood Zone line has been corrected and flood storage calculations have been revised.
 - New construction is proposed on slabs, no dewatering is anticipated.
 - Tree removal has been clarified and compensated for.
 - Site utilization will not include uncovered materials or vehicular storage. “Bay” floor drains will drain to oil/water separators.
 - Snow storage areas have been identified and plantings shifted to accommodate them.
 - Areas of curbing have been clarified.
 - Proposed plantings have been revised to include mostly native species and to avoid species most affected by pests.
 - On the revised plans it seems that erosion controls are only being proposed along the northeast corner of the property. Staff feel that a staked compost sock or entrenched silt fence (site is flat enough that both would be unnecessary) should be proposed along the full northern, eastern, and western property boundaries. Revised plans should be provided to show this.
 - Staff are concerned that the proposed snow storage areas are not large enough to handle the snow that will come from the lot and so snow is likely to be pushed onto the plantings along the norther property boundary and outside the illustrated snow storage strip to the west.
 - Applicant should provide a detail for tree protection and a revised layout and materials plan to show the protection of the two trees on the northern property boundary.
 - All 4 of the trees to be removed are within riverfront area, but only 4 of the 8 replacement saplings are within Riverfront Area. Commissioners should consider whether that is appropriate.
 - Staff would like clarification of the depth to Estimated Seasonal High Groundwater (ESHGW) to clarify the separation between the bottom of the proposed infiltration chambers and ESHGW.
- Staff Recommendations: Address the questions and concerns above and others raised during the hearing, then, if/as appropriate, vote to close the hearing and issue an Order of Conditions with following special conditions.
 - Erosion controls (either a staked compost sock or entrenched silt fence) must be installed along the entire northern, eastern, and western property boundaries.
 - Compensatory flood storage must be provided as per the approved plans and must be documented in the as-built plans.
 - Approved, native mitigation plantings must be installed as per the approved plans and must survive 100% after 2 growing seasons.
 - Signs indicating that snow may not be stored in the planting beds must be installed in field.

- Infiltration system must be installed per the plans and must be signed off on by the Engineering Department.
- The stormwater O&M plan must be adhered to in perpetuity.

3. 192 Concord Street – NOI – addition on a single-family home – DEP File #239-886

- Owner/Applicant: Haim Senior, Concord Street Investments LLC Representative: John Rockwood, EcoTec, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Riverfront Area
- Performance Standards
 - **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 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 ... to provide important wildlife habitat functions. ...
 - d. ... incorporating erosion and sedimentation controls ... to attenuate nonpoint source pollution.
- Project Summary
 - Partial demolition of existing single-family home and 1-car garage.
 - Construction of additions onto single-family home (second story and horizontal expansion) to create a two-car garage and additional living space. The proposed increase in impervious area is 170 s.f.
 - Reconstruction of existing driveway and front walk.
 - Installation of stormwater management including a trench drain, manhole sump, and infiltration chambers.
 - Install tree protection for 2 trees
 - Install and bound a 450 s.f. mitigation area to include the existing 3 hemlocks and 28 shrubs.
 - No new tree removal is proposed, however, a 43" deciduous tree that was close to the property line (species unknown) was removed by neighbors a few months ago, prior to this application.
- Staff Notes:
 - Applicant should clarify whether the driveway is proposed to be expanded. The stippling and striping on the plans make the intended finished condition unclear.
 - The Commission should determine whether the removal of the 43" tree must be addressed by the applicant.
 - Since 3 hemlocks with a sizable footprint are already where the mitigation area is proposed, the mitigation planting area should be expanded so that new mitigation of over 340 sf is provided.
 - No tree protection is proposed for the existing hemlocks to be included in the mitigation planting area. Staff recommend requiring that the mitigation plantings be installed, the area bounded, and then additional fencing installed around it prior to other work starting on site.
- Staff Recommendations: Address the questions and concerns above and others raised during the hearing, then, if/as appropriate, vote to close the hearing and issue an Order of Conditions with special conditions addressing:
 - Tree protection consisting of orange, snow fence installed at the drip line of the tree must be installed on all trees proposed to remain.
 - Approved, native mitigation plantings must survive at XX% after 2 growing seasons.
 - If any trees within the wetland or buffer within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
 - Bounded, riverfront area mitigation must remain in a natural state in perpetuity.

4. 33 Staniford Street – Amendment Request – DEP File #239-876

- Owner/Applicant: Zaid Ashai Representative: Andrew Gorman, Beals and Thomas, Inc.
- Request: Issue an Amended OOC.
- Documents Presented: Colored plans, photos, draft AOOO

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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.”
 - Summary of Requested Changes:
 - Applicant is requesting a revised deck location, projecting further into the buffer zone, but with no change to the overall footprint of the deck (600s.f.). Two alternate deck locations have been proposed for the Commission to consider.
 - Applicant is requesting permission to use helical piles for the footings rather than sonotubes.
 - Applicant is requesting the addition of stone stairs from the lawn edge down the slope to the restored area below.
 - Applicant is requesting the installation of a concrete block seat wall, on a base of crushed stone, within existing lawn, to match the existing patio area.
 - Applicant is proposing additional plantings to mitigate for changed location, stairs, and wall. The total planting plan now includes: 4 trees, 9 small trees/large shrubs, 41 shrubs, 150 ferns, and seed mix. (originally approved were 4 trees, 4 small trees/large shrubs, 4 shrubs, and seed mix).
 - All invasive species removal approved is still proposed.
 - Staff Notes:
 - The original intention of the project is the same, but corrected field measurements showed that the approved deck location would be further within existing lawn than the owner intended. The revised location shifts the deck further over slope.
 - The line of erosion controls originally proposed to surround the immediate deck location have been removed. Staff feel that this is appropriate because the shift to helical piles will result in less disturbance.
 - The proposed change in deck location will result in minimal increased disturbance of very degraded buffer zone.
 - The proposed additional plantings seem appropriate mitigation for the additional disturbance proposed by the shifted deck location and new stairs.
 - Staff note that witch hazel can be difficult to find in local nurseries.
 - Slope restoration will require the removal of Norway maple saplings and other invasive species. It may also require soil augmentation to facilitate tree and shrub survival. It will also entail “loam and seed” and staked fabric as noted in the slope stabilization detail. The applicant should be provided permission to do what it takes to ensure a successful restoration project.
 - Staff Recommendations: As appropriate, vote to close the hearing and issue an Amended Order of Conditions with the following additional special conditions (in bold).
 - **Slope restoration must be executed as per the approved plans. If necessary/desired, organic leaf litter mulch may be applied around approved plantings to minimize competition from weed and invasive species.**
 - Landscape plantings within Commission jurisdiction must:
 - a. Be installed in compliance with the **revised plans dated _____** (desired changes must be approved by the Conservation office in advance).
 - b. Have a survival rate of 100% of total number of trees (after 2 growing seasons).
 - c. Have a survival rate of 75% of total number of shrubs (after 2 growing seasons).
 - d. **Have 75% survival/ aerial coverage of the fern area.**
 - e. **Have 75% survival/ aerial coverage of the fescue area.**
- 5. 73 Beaconwood Road – Enforcement – removal of trees without appropriate pre-construction requirements met – DEP File #239-791**
- Owner/Applicant: Matthew Haney, PZ Realty Second Owner: Capasso Realty Trust Representative: none
 - Request: Ratify Enforcement Order issued by staff on 3/25/21
 - Documents Presented: Site plans, site photos, EO for ratification
 - Jurisdiction: Buffer Zone
 - Violation Summary

- Removal of 4 trees (cutting 3 and clean-up of 1 fallen tree) totaling 84 caliper inches prior to: any pre-construction site visit, proper demarcation of property lines between 77 and 73 Beaconwood, and proper erosion control installation. (see Condition 21)
- Failure to install tree protections around the 1 street tree within jurisdiction. (Condition 23)
- Staff Notes:
 - On March 16, 2021, the Conservation Office received a phone call about grading work occurring on 73 Beaconwood Road. This was in advance of any pre-construction site visit, but all work was determined to be outside the 100-foot buffer zone line and within the bounds of 73 Beaconwood Road, so no enforcement action was taken.
 - Stern admonitions were given to Mr. Haney that prior to any further activity on 73 Beaconwood Road or 77 Beaconwood Road, the 100-foot buffer zone line was to be demarcated with silt fence and the buffer zone and 77 Beaconwood Road were to remain untouched until the OOC conditions had been.
 - Note: A stop work order was issued for this lot by the Inspectional Services Department at this time as well.
 - On March 24, 2021, the Conservation Office received a phone call about tree cutting on site. A site visit revealed tree cutting had occurred and clean-up was continuing. Said tree cutting was within the 100-foot buffer zone line, said work was predominantly on 77 Beaconwood Road, and the street tree shown on the approved plans as to be protected lacked any protection. At this time:
 - no preconstruction site visit had occurred,
 - there was no indication that permission had been granted by Mr. Capasso for tree removal on his property,
 - there was no demarcation of property lines in the field,
 - there was no erosion control along the 100-foot buffer zone line,
 - there was no tree protection in place, and
 - ISD had not lifted the stop work order.
 - Staff issued an Enforcement Order to cease and desist all work on both properties on 3/25/21. This EO required the applicant, Matthew Haney, to:
 - Demarcate property lines shall be demarcated around 73 Beaconwood Road.
 - Install erosion controls along the 100-foot buffer zone line to protect wetland jurisdiction until work within wetland jurisdiction has been authorized to begin.
 - Install tree protection on the street tree.
 - Request permission in writing of Mr. Capasso to install restoration plantings in the area of the violation (which falls on 77 Beaconwood), as shown on the approved plans, on or before June 15, 2021, with the Conservation Commission cc'd on said request. Said restoration shall be installed on or before June 15, 2021 if Mr. Capasso grants permission to do so, otherwise, said restoration shall occur prior to the expiration of the OOC.
- Staff Recommendations: Vote to ratify the Enforcement Order issued by Conservation staff on 3/25/21.

6. 10 Cumberland Road – cont’d NOI – reconstruction of sunroom and garage with new deck on a single-family home – DEP File #239-884

- Owner/Applicant: David Chao Representative: Scott Goddard, Goddard Consulting, LLC
- Request: Continue hearing to 4/22/21.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain (~45’ NAVD88 or 52’ CNVD)
- Project Summary
 - Reconstruct existing detached garage and sunroom on existing foundation/piers. No expansion of footprint.
 - Construct new screened-in porch at surface grade with a deck on top, accessible from the first floor, connected to the rear yard by a set of stairs.
- Staff Notes: Applicant has requested a continuation to the 4/22/21 meeting to finish plan revisions.
- Staff Recommendations: Vote to continue the hearing to the 4/22/21 Conservation Commission meeting.

II. CONSERVATION AREA DECISIONS

7. Beekeeping on Conservation Land – Discussion with Current Beekeepers

- Landowner: Conservation Commission

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- Documents Presented: memo from Mark Lewis, Mark Lewis's license, David Reilly's license, photos.
- Staff Notes
 - Mark Lewis, beekeeper at Old Deer Park (resident of Brookline)
 - Currently:
 - Has 7 hives.
 - The primary mission of the honeybee colonies at the Deer Park Apiary is to serve as nurse colonies for Classroom Hives, a non-profit dedicated to helping schools install and maintain observation hives, and develop related curriculum.
 - Proposals (excerpted from memo):
 1. The current license allows for 14 full size hives but this should be reduced to a maximum of 8 full size overwintered hives with up to an additional 6 small nucleus colonies for short periods only (say < 10 weeks) in spring and summer, as for instance, when building a nuc destined for a school's observation hive, or serving as a holding station for a school's observation hive while the school building is closed for 2 months during summer.
 2. The concrete slab at Deer Park might be an excellent spot to co-host a study of native bees. I will continue to seek these opportunities.
 3. Through Classroom Hives, I will ensure we have outreach going to Newton Public Schools so that they are aware of our organization and the possibility of observation hives.
 4. I will post a sign at the apiary sign briefly noting that the bees nurse colonies for Classroom Hives.
 5. Please think of me as an eager volunteer if there is anything helpful to be done in the Old Deer Park. For instance, removing the remaining stakes from the old electric perimeter fence would not be too difficult of a chore.
 6. I will work to ensure that a tidy and pleasant look is maintained at the apiary at all times and especially in advance of Deer Park becoming open to the public.
 7. I will continue to sample and treat colonies at Deer Park Apiary and work hard to prevent an infestation of Varroa mites. (I treated all colonies at Deer Park in 2020).
 - I have taught beekeeping classes all around the Boston area and in other parts of the state. In some cases, I have met Newton residents taking these classes and also interacted with Newton residents through the Boston Area Beekeepers Association (BABA). Deer Park has been closed to the general public, but when possible, I would be excited to begin pursuing at least one annual class held at the apiary.
 - License: due for renewal in August.
 - Alla and Vasyl Ohorilko, beekeepers at Norumbega (residents of Needham)
 - Took over hives from David Reilly on year ago.
 - Currently have 4 surviving hives.
 - A new license must be created to reflect their names.
- Staff Recommendations:
 - Discuss the beekeepers' intentions for this year.
 - Discuss terms that should be modified in the licenses.
 - Develop goals for next year's operations at each site (and transition plans, as appropriate).

8. Trailhead Signs

- Landowner: Conservation Commission
- Request: Vote on sample signs.
- Documents Presented: Sample signs for Dolan Pond and Webster (east and west) Conservation Area
- Staff Notes
 - After feedback received at the last trailhead sign discussion, staff made changes to the proposed trailhead signs.
 - Webster Conservation Area is being presented as a sample. It shows the color that would be used for open space not owned by the Conservation Commission.
- Staff Recommendations: If/as appropriate, vote to approve the proposed sign characteristics.

III. ADMINISTRATIVE DECISIONS

9. Minutes of 3/11/21 to be approved

- Documents Presented: Draft 3/11/21 minutes

- Staff Recommendations: Vote to accept the 3/11/21 minutes.

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

UPDATES

V. WETLANDS UPDATES

- 942-944 Watertown Street – Compliance Discussion -- DEP File #239-427. The owner's representative did not provide revised plans in time for this agenda. The matter should be continued to the April 22, 2021 agenda.
- Saco Street Condos: Staff met with condo trustees regarding the unpermitted tree cutting in Riverfront Area. Tree cutting within Riverfront Area was very limited. Trustees are aware of the boundaries and regulations. One tree that was considered a threat may have been cut without a permit. Jennifer will make a second site visit shortly.

VI. CONSERVATION AREA UPDATES

- Houghton tree cutting: Tree Tech will conduct the work when weather and ground conditions allow.
- Orienteering on Conservation land: Staff will provide an update from Channon Ames at the meeting once the event has happened.

VII. ISSUES AROUND TOWN UPDATES

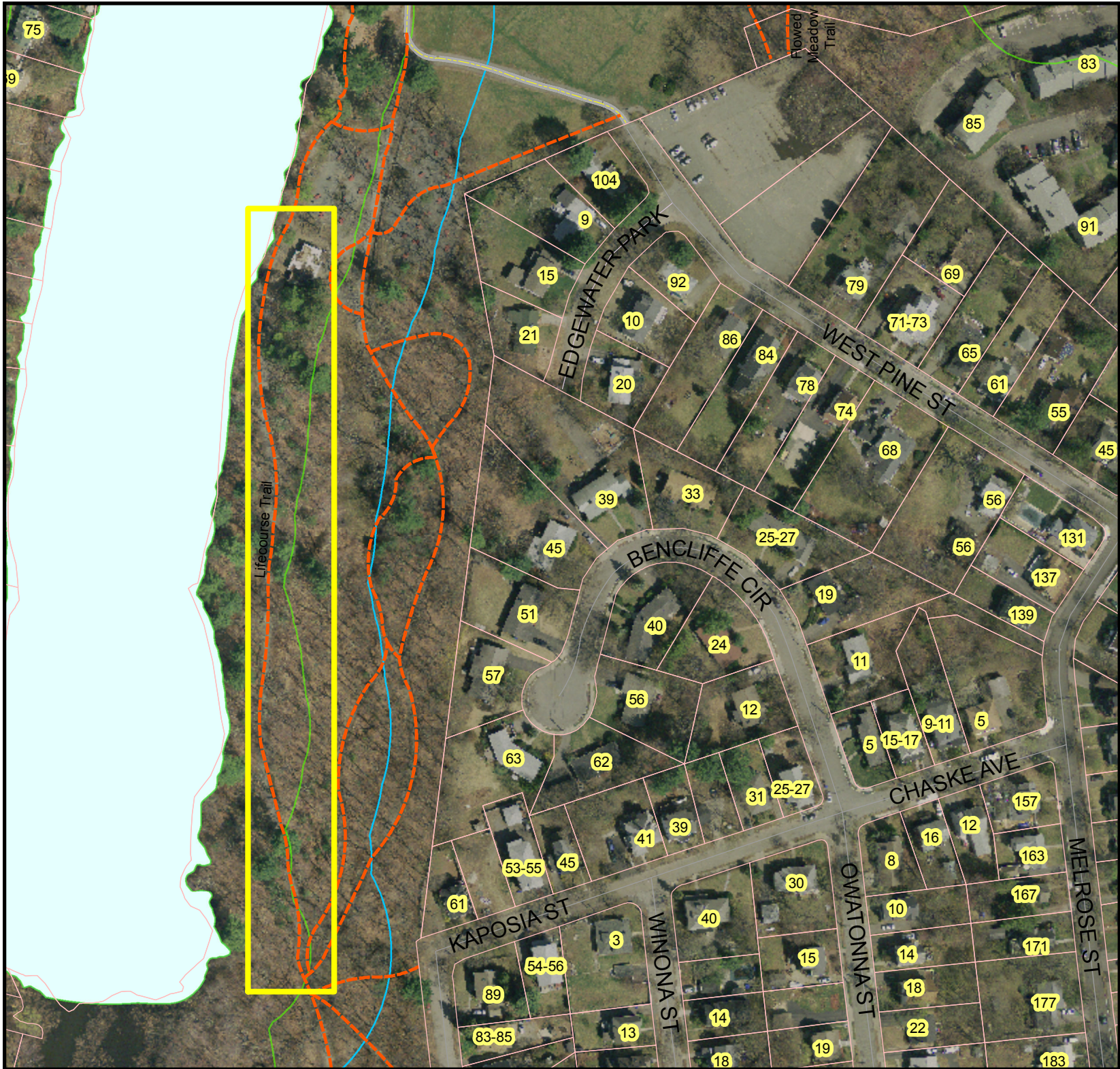
- Christina Street Bridge Feasibility Study: VHB will perform the feasibility study.
- Beekeeping in Newton: The Commission's (draft) beekeeping policy may help inform larger discussions about regulating beekeeping on private property in Newton.
- ACROSS trails ground-truthing effort update.

VIII. ADMINISTRATIVE UPDATES

- MACC: The Annual Environmental Conference is coming April 6-17 in a similar virtual format to the Fall Conference.
-

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

ADJOURN






**Marty Sender
Phase 1
Reconstruction
Newton, Mass.**

Map Date: 03-25-2021



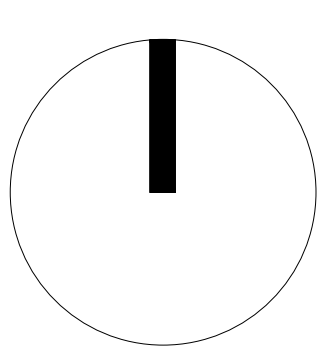
Legend

-  Buffer Zone line
-  Riverfront line
-  Project Area

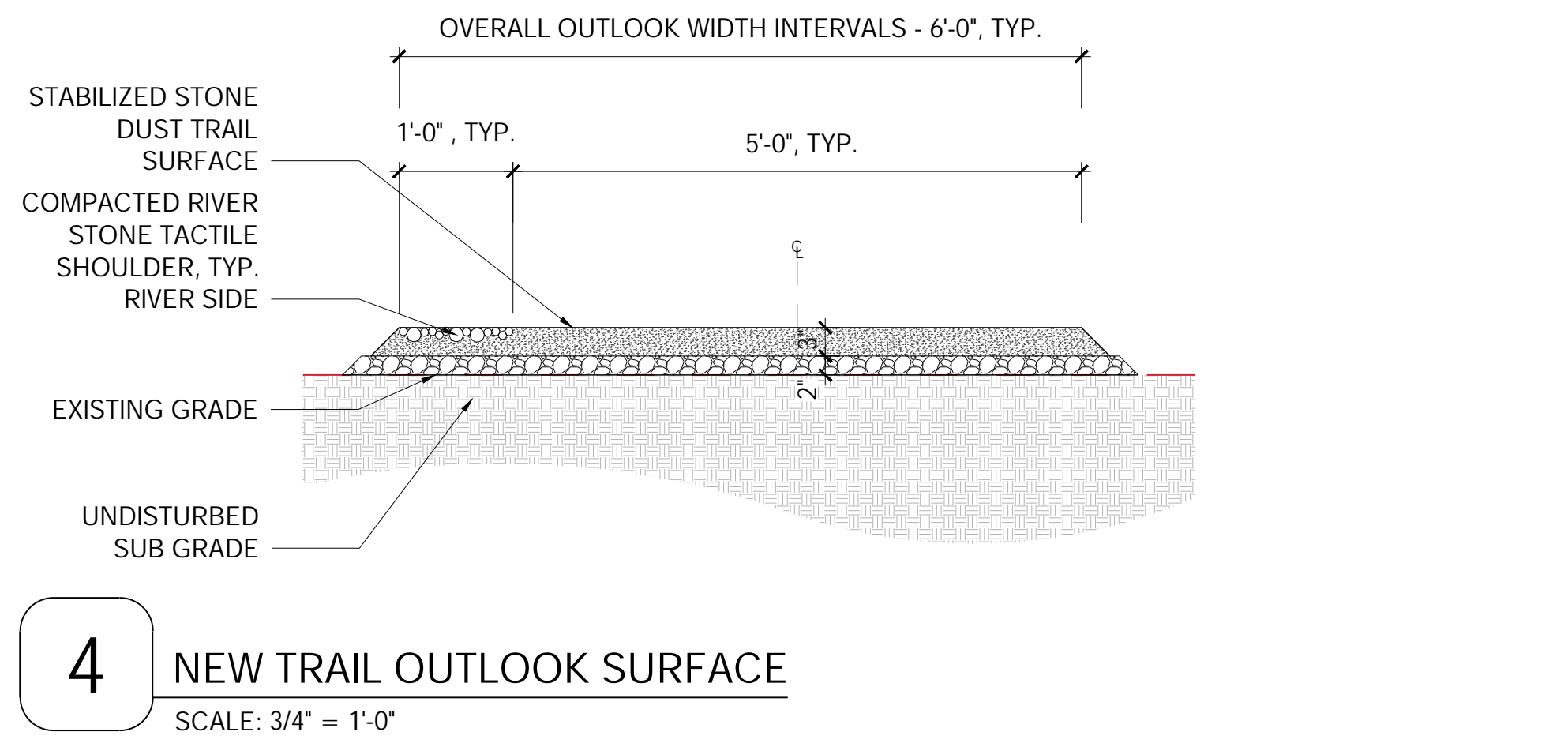
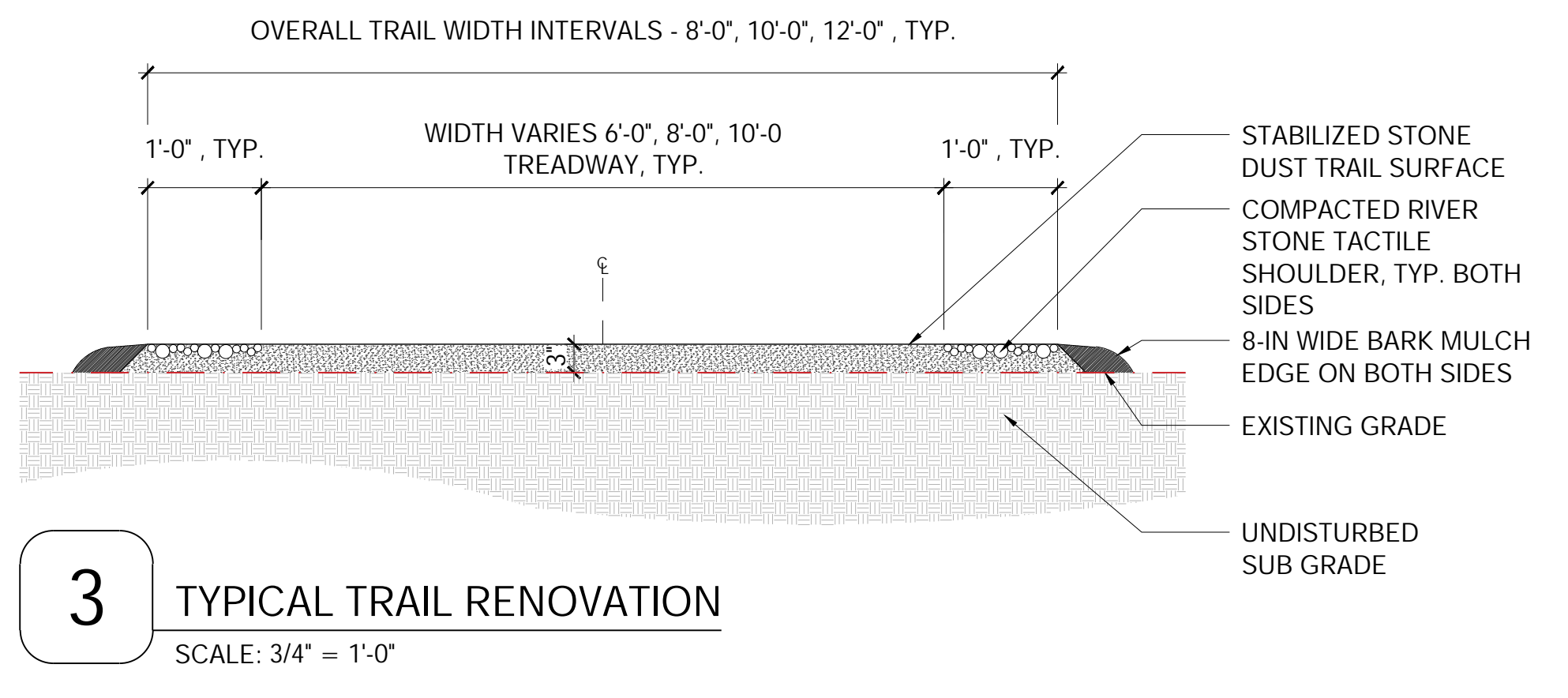
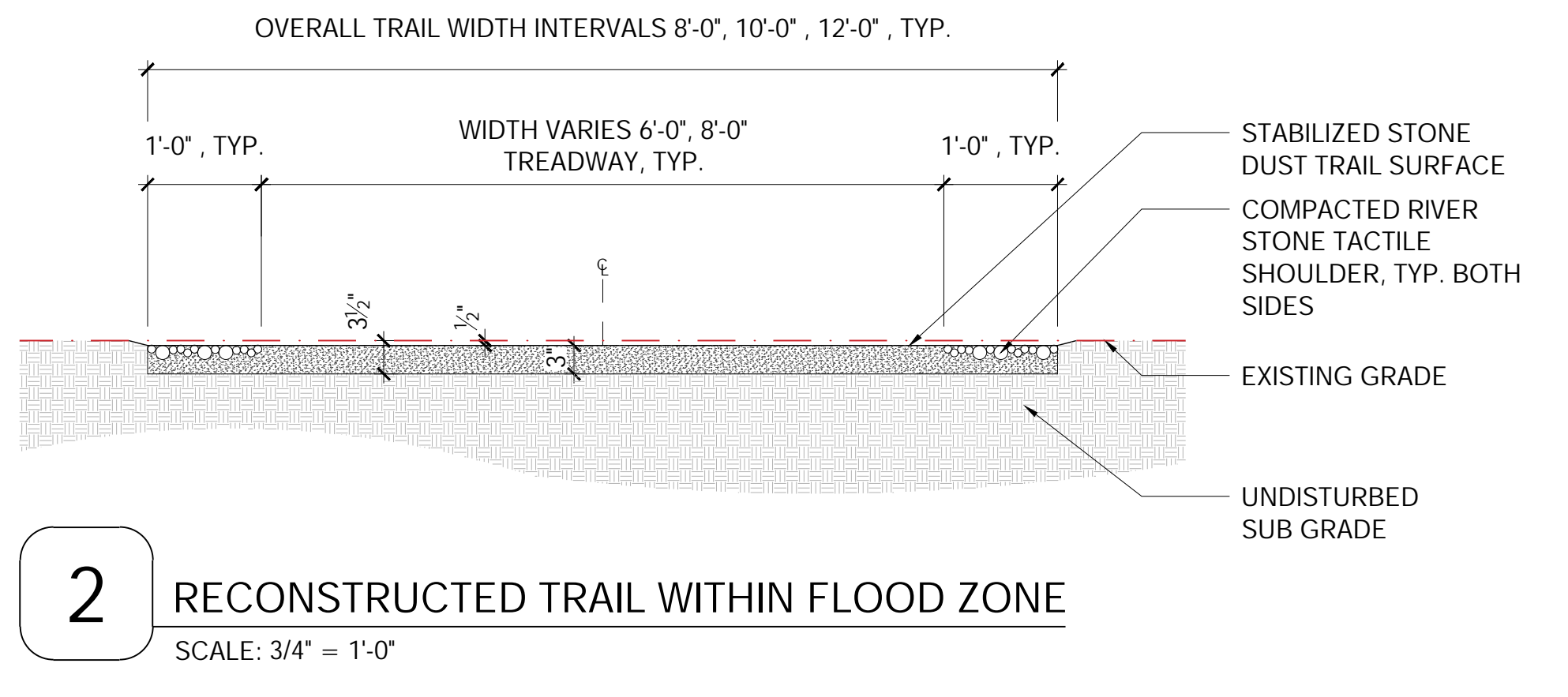
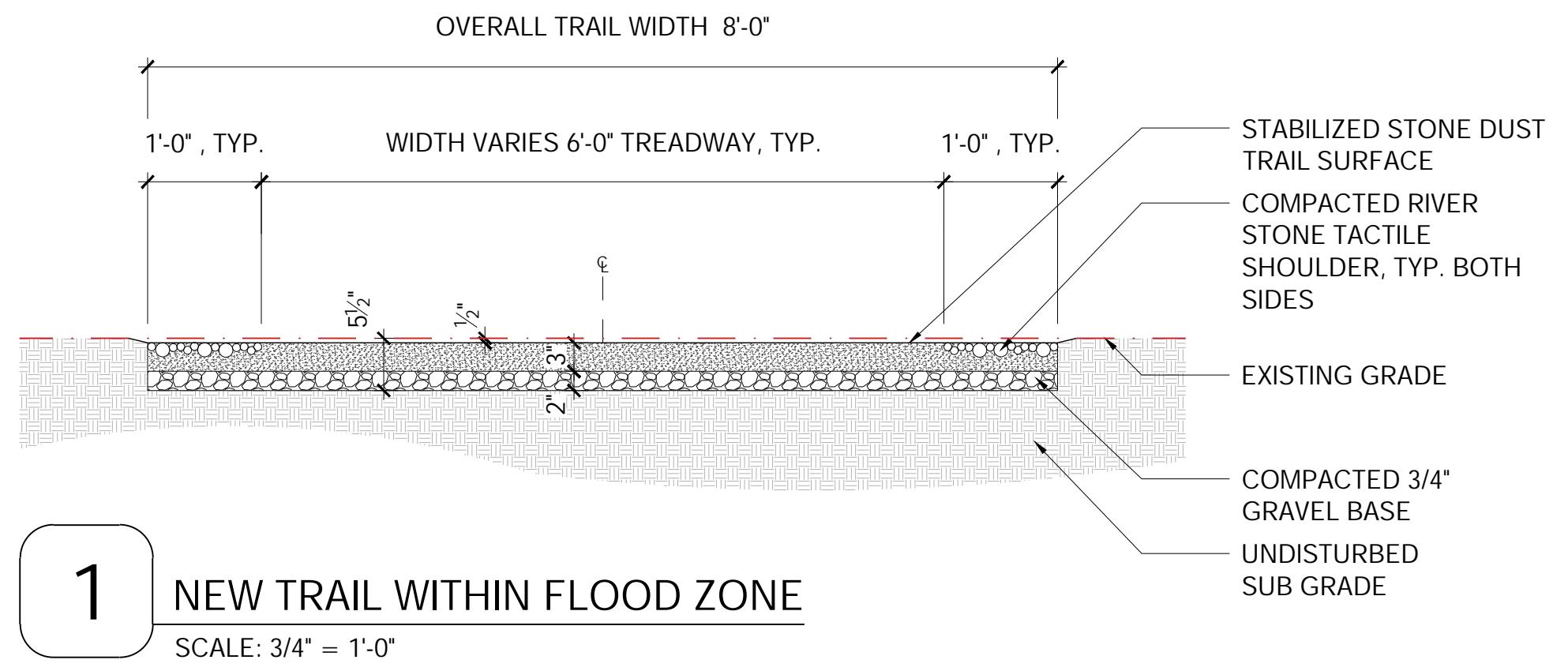
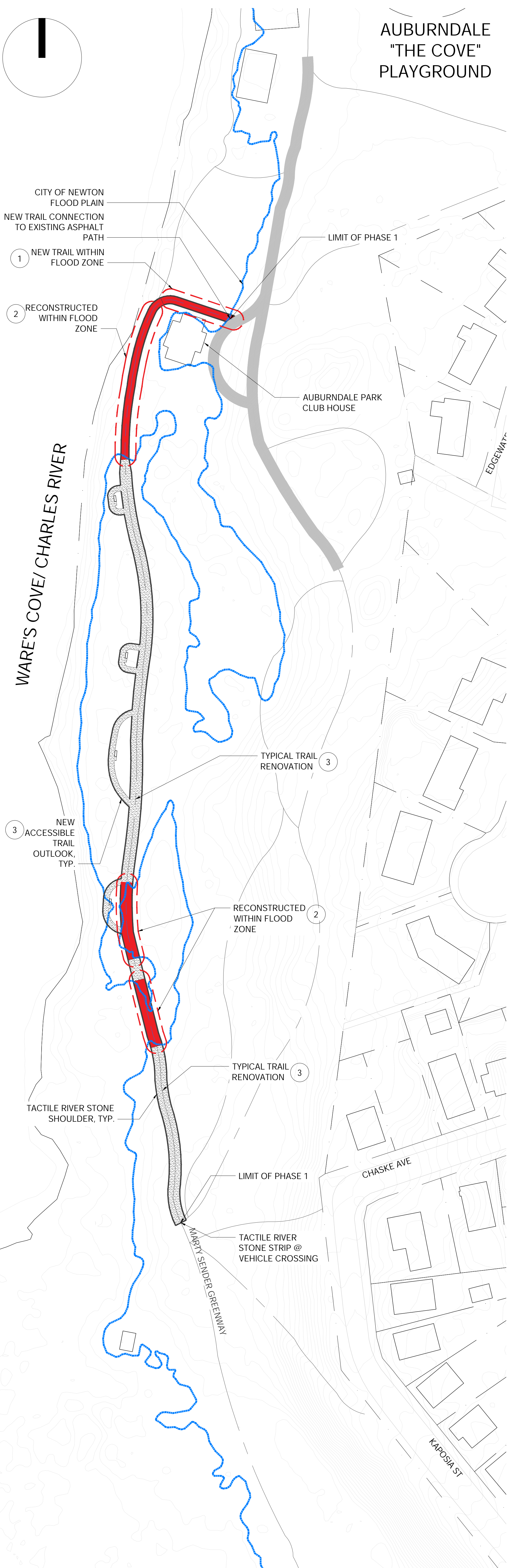
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



AUBURNDALE
"THE COVE"
PLAYGROUND

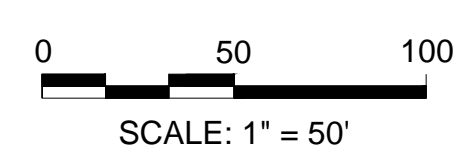


Marty Sender Path - Phase 1

MATERIAL QUANTITY SUMMARY

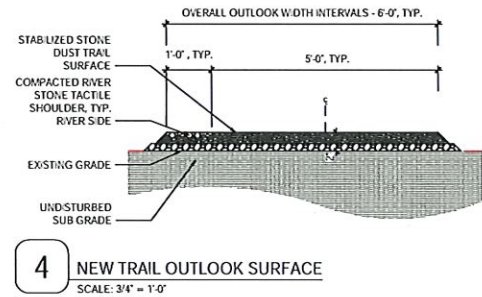
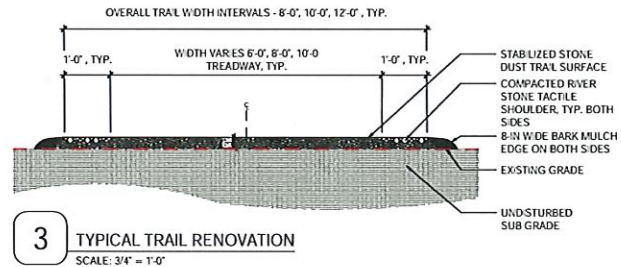
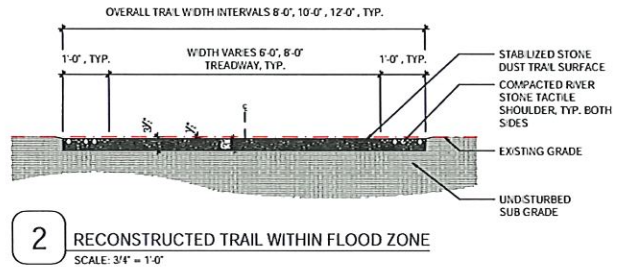
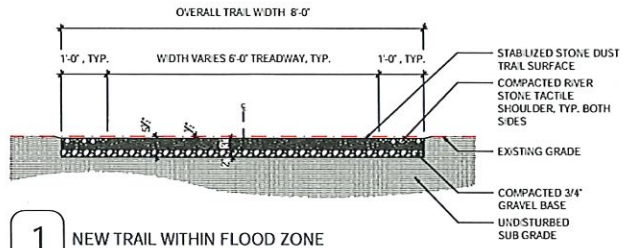
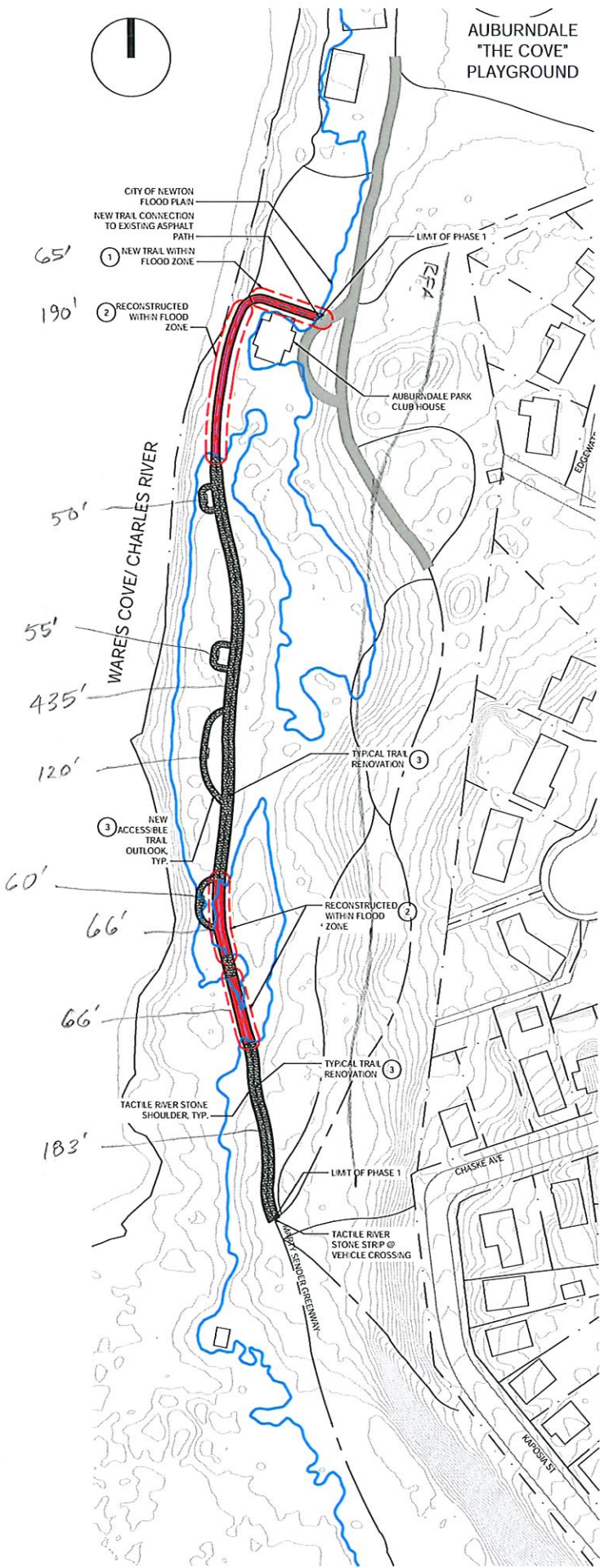
	Sqaure Feet	Depth in inches	Total Cubic Yards
New Trail within Flood Zone			
Parent material removal	580	5.5	9.88
Combined Improted material (includes stone dust, gravel base and rive stone)	580	5	9.02
Reconstructed Trail within Flood Zone			
Parent material removal	3096	3.5	34.40
Combined Improted material (includes stone dust, gravel base and rive stone)	3096	3	28.67
New Accessible outlook within Flood Zone (Total of 1)			
Parent material removal	0	0	0.00
Combined Improted material (includes stone dust, gravel base and rive stone)	391	5	6.08
Total Combine Parent Material Removal within Flood Zone			44.28
Total Combine Improted Material within Flood Zone			43.77

MARTY SENDER GREENWAY RECONSTRUCTION - PHASE 1





AUBURDALE
"THE COVE"
PLAYGROUND

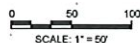


Marty Sender Path - Phase 1

MATERIAL QUANTITY SUMMARY

	Square Feet	Depth in Inches	Total Cubic Yards
New Trail within Flood Zone			
Parent material removal	560	5.5	9.88
Combined Imported material (includes stone dust, gravel base and river stone)	560	5	9.02
Reconstructed Trail within Flood Zone			
Parent material removal	3096	3.5	34.40
Combined Imported material (includes stone dust, gravel base and river stone)	3096	3	29.87
New Accessible outlook within Flood Zone (Total of 1)			
Parent material removal	391	9	6.00
Combined Imported material (includes stone dust, gravel base and river stone)	391	5	6.08
Total Combine Parent Material Removal within Flood Zone			44.28
Total Combine Imported Material within Flood Zone			49.77

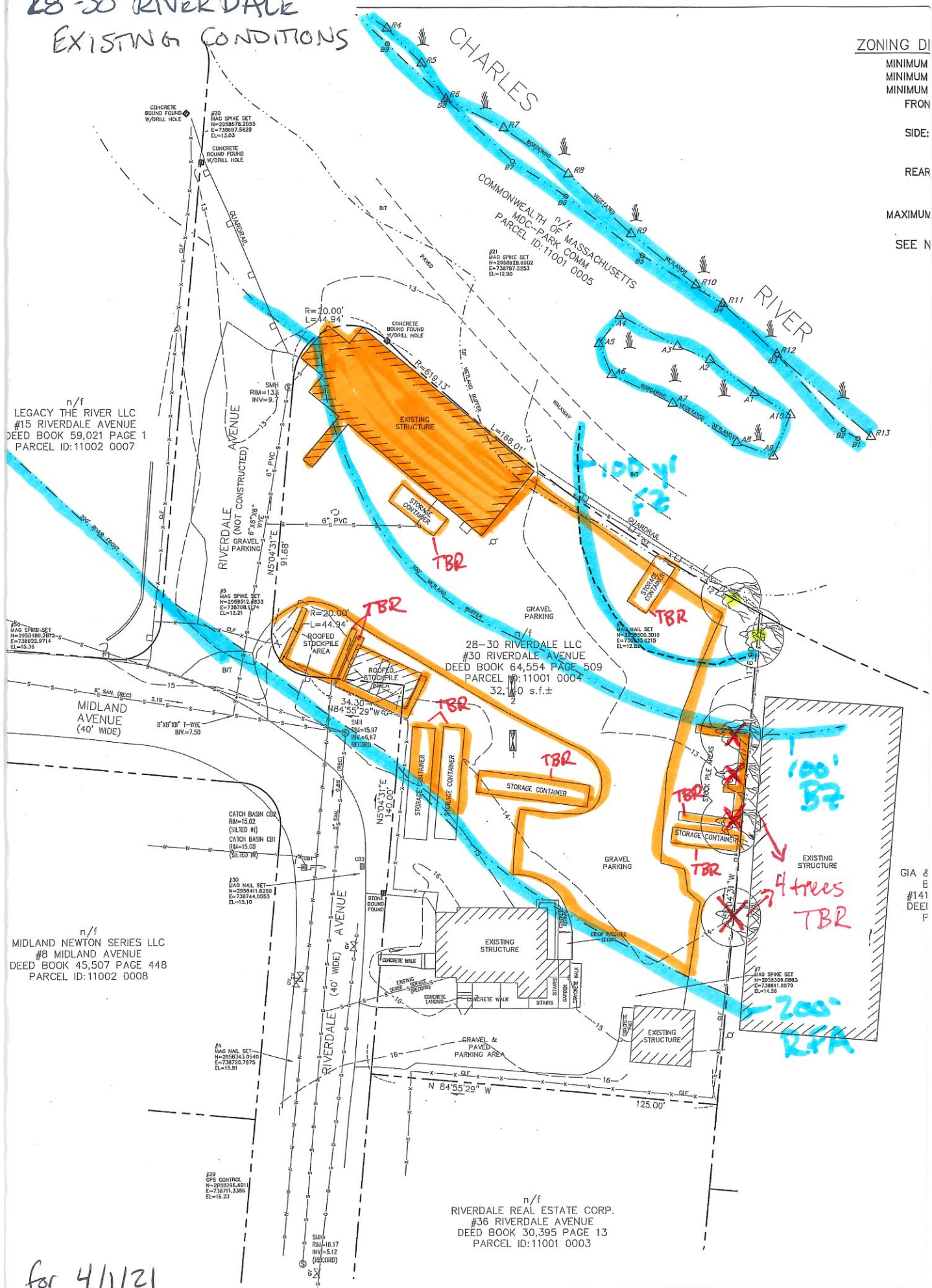
MARTY SENDER GREENWAY RECONSTRUCTION - PHASE 1



Marty Sender Path - Phase 1			
MATERIAL QUANTITY SUMMARY			
New Trail within Flood Zone	Sqaure Feet	Depth in inches	Total Cubic Yards
Parent material removal	580	5.5	9.88
Combined Improted material (includes stone dust, gravel base and rive stone)	580	5	9.02
Reconstructed Trail within Flood Zone			
Reconstructed Trail within Flood Zone	Sqaure Feet	Depth in inches	Total Cubic Yards
Parent material removal	3096	3.5	34.40
Combined Improted material (includes stone dust, gravel base and rive stone)	3096	3	28.67
New Accessible outlook within Flood Zone (Total of 1)			
New Accessible outlook within Flood Zone (Total of 1)	Sqaure Feet	Depth in inches	Total Cubic Yards
Parent material removal	0	0	0.00
Combined Improted material (includes stone dust, gravel base and rive stone)	391	5	6.08
Total Combine Parent Material Removal within Flood Zone			44.28
Total Combine Improted Material within Flood Zone			43.77

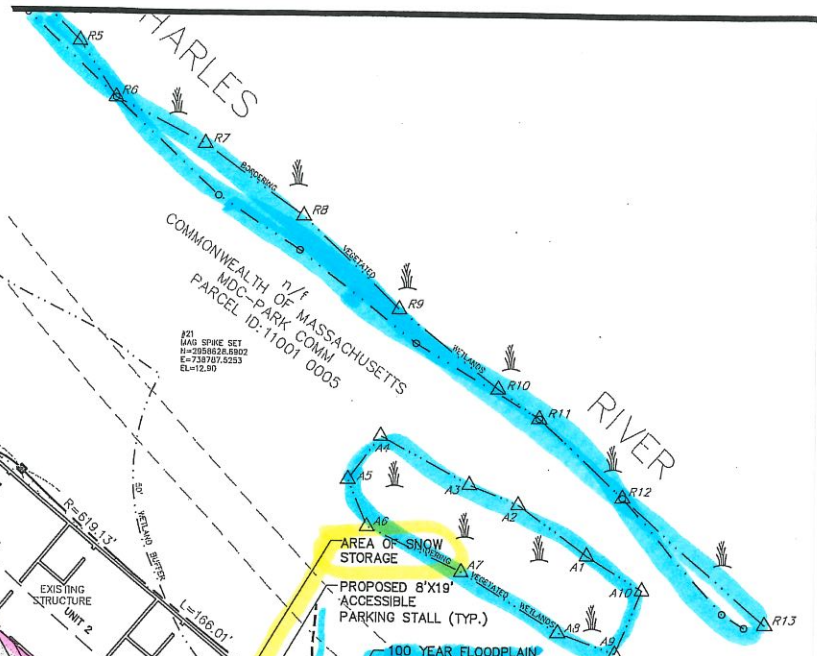
28-30 RIVERDALE EXISTING CONDITIONS

ZONING DI
MINIMUM
MINIMUM
MINIMUM
FRON
SIDE:
REAR
MAXIMUM
SEE N

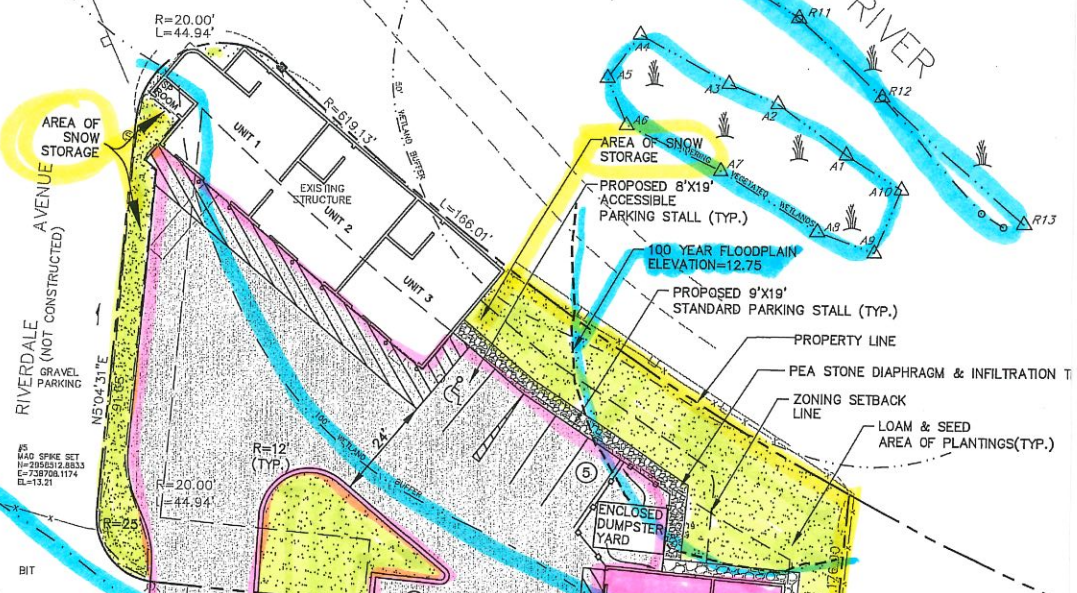


for 4/1/21

28-30 RIVERDALE PROPOSED CONDITIONS

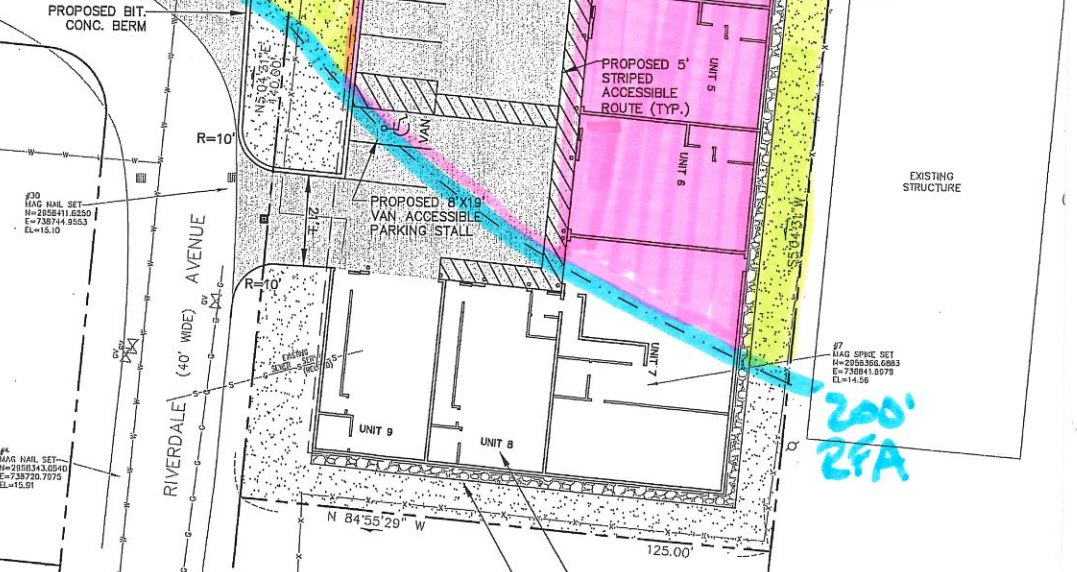


n/f
LEGACY THE RIVER LLC
#15 RIVERDALE AVENUE
DEED BOOK 59,021 PAGE 1
PARCEL ID: 11002 0007



MIDLAND AVENUE
(40' WIDE)

n/f
MIDLAND NEWTON SERIES LLC
#8 MIDLAND AVENUE
DEED BOOK 45,507 PAGE 448
PARCEL ID: 11002 0008



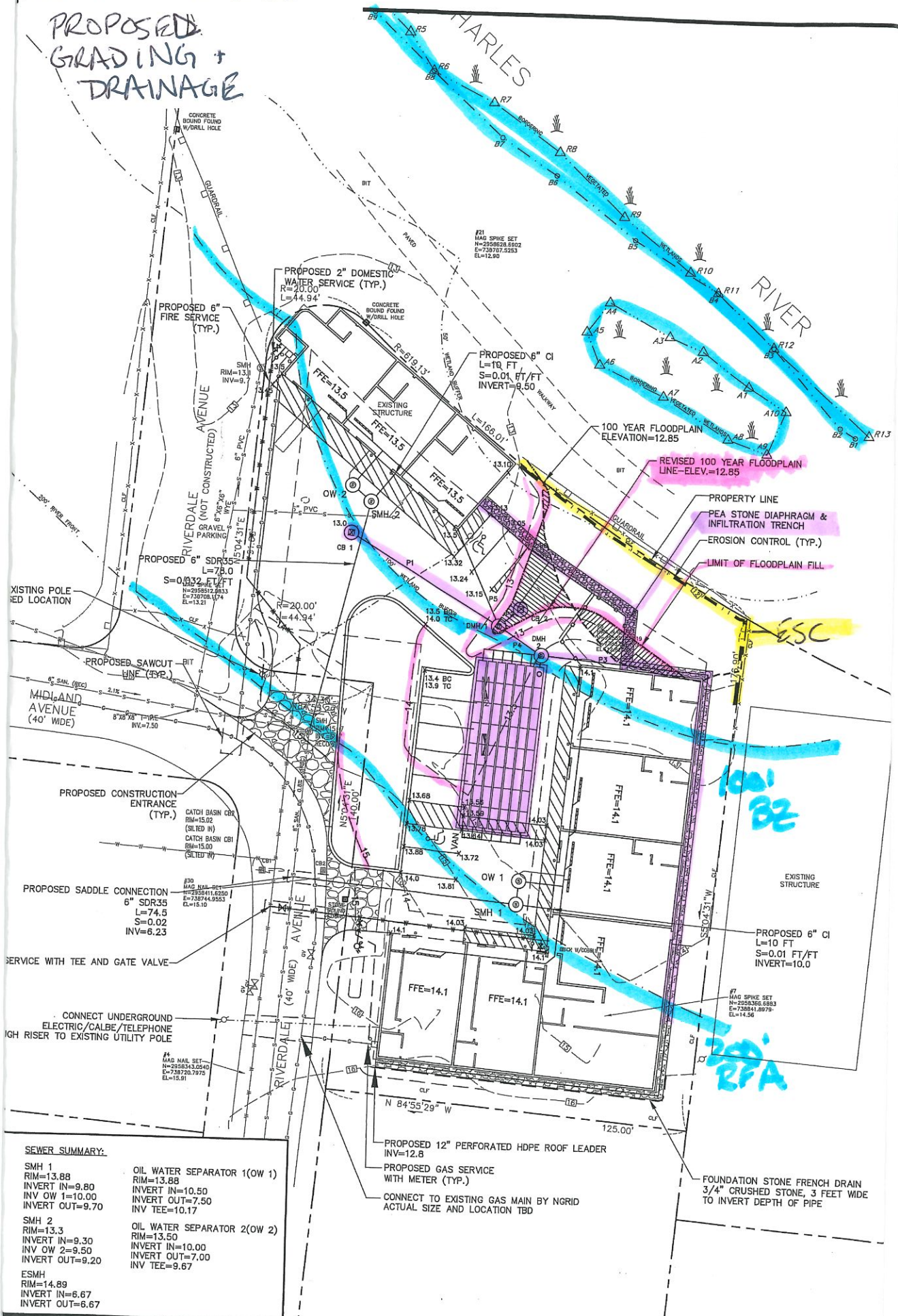
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EL=10.23

n/f
RIVERDALE REAL ESTATE CORP.
#36 RIVERDALE AVENUE
DEED BOOK 30,395 PAGE 13
PARCEL ID: 11001 0003

for 4/1/21

28-30 RIVERDALE

PROPOSED GRADING + DRAINAGE

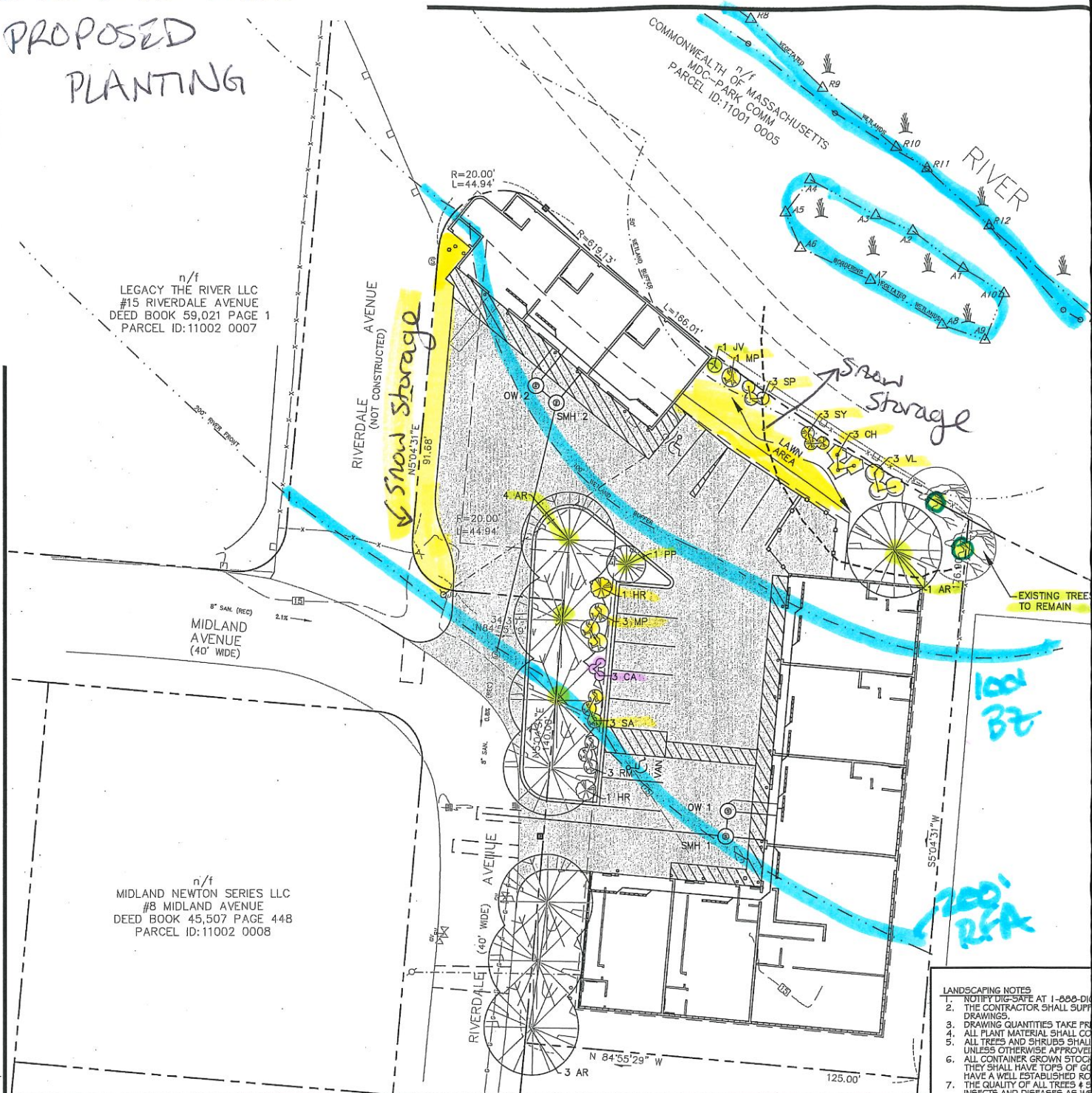


SEWER SUMMARY:

SMH 1 RIM=13.88 INVERT IN=9.80 INV OW 1=10.00 INVERT OUT=9.70	OIL WATER SEPARATOR 1(OW 1) RIM=13.88 INVERT IN=10.50 INVERT OUT=7.50 INV TEE=10.17
SMH 2 RIM=13.3 INVERT IN=9.30 INV OW 2=9.50 INVERT OUT=9.20	OIL WATER SEPARATOR 2(OW 2) RIM=13.50 INVERT IN=10.00 INVERT OUT=7.00 INV TEE=9.67
ESMH RIM=14.89 INVERT IN=6.67 INVERT OUT=6.67	

for 4/1/21

28-30 RIVERDALE PROPOSED PLANTING



OT = outside jurisdiction

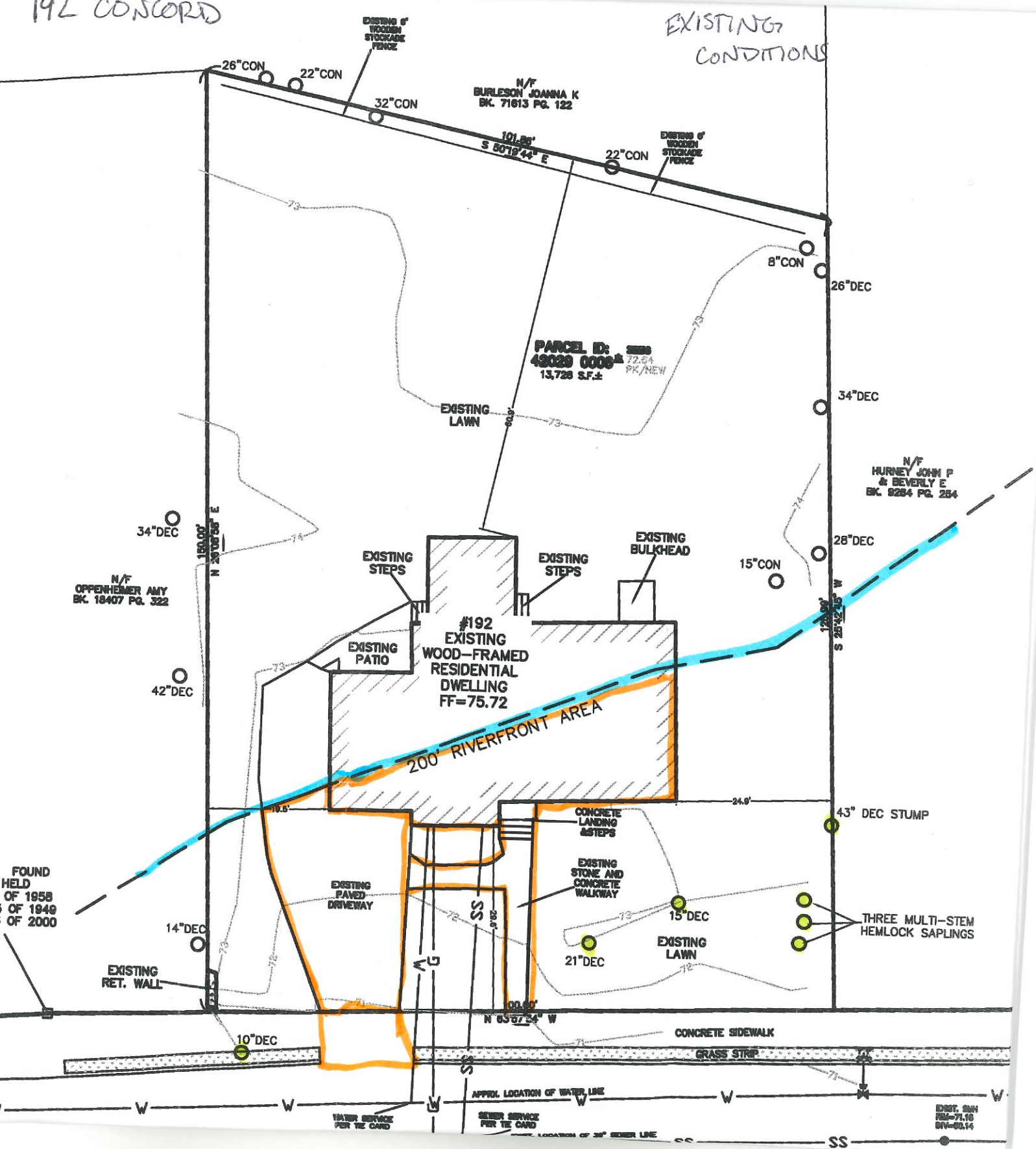
Qty	Key	Common Name	Botanical Name	Size	Remarks
TREES					
0	AR	Red Maple	<i>Acer rubrum</i>	3" Cal. B&B	only 4 in jurisdiction
1	JV	'Taylor' Red Cedar	<i>Juniperus virginiana 'Taylor'</i>	6' Ht. B&B	
1	PP	Balsam Fir	<i>Abies balsamea</i>	6' Ht. B&B	
SHRUBS					
3	CH	Mountain Andromeda	<i>Pieris floribunda</i>	24" Ht. B&B	
2	HR	Eastern Ninenbark	<i>Physocarpus opulifolius</i>	4" Ht. B&B	only 1 in jurisdiction
4	MP	Northern Bayberry	<i>Myrica pensylvanica</i>	24" Ht. B&B	
3	RM	'Blushing Knock out' Rose	<i>Rosa sp. 'Blushing Knock Out'</i>	36" Ht. B&B	
3	SA	Shrubby St. Johnswort	<i>Hypericum prolificum</i>	24" Ht. B&B	
3	SP	'Shirobi' Spirea	<i>Spiraea japonica 'Shirobi'</i>	24" Ht. B&B	
3	SY	Oakleaf Hydrangea	<i>Hydrangea querifolium</i>	24" Ht. B&B	
3	VL	Mountain Laurel	<i>Kalmia latifolia</i>	24" Ht. B&B	
PERENNIALS					
3	CA	'Karl Foerster' Reed Grass	<i>Calamagrostis acutiflora</i>	#3 Pot	Container Grown

1. NOTIFY DIG-SAFE AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.
2. THE CONTRACTOR SHALL SUPPLY ALL MATERIALS AND LABOR.
3. DRAWING QUANTITIES TAKE PRECEDENCE OVER SCHEDULED QUANTITIES.
4. ALL PLANT MATERIAL SHALL BE PROVIDED BY THE CONTRACTOR.
5. ALL TREES AND SHRUBS SHALL BE PROVIDED BY THE CONTRACTOR UNLESS OTHERWISE APPROVED BY THE ARCHITECT.
6. ALL CONTAINER GROWN STOCK SHALL BE PROVIDED BY THE CONTRACTOR. THEY SHALL HAVE TOPS OF GOOD QUALITY AND BE WELL ESTABLISHED.
7. THE QUALITY OF ALL TREES & SHRUBS SHALL BE AS SPECIFIED IN THE DRAWINGS. ALL CONIFERS SHALL HAVE DOUGLASS PINE ROOTBALLS.
8. ALL CONIFERS SHALL HAVE DOUGLASS PINE ROOTBALLS.
9. WHERE SPECIFIED, CALIFER SIZE SHALL BE USED.
10. PLANT SUBSTITUTIONS ARE NOT PERMITTED WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT.
11. ALL DISTURBED AREAS NOT SHOWN ON THE DRAWINGS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
12. PRIOR TO INSTALLING ANY PLANTING, THE CONTRACTOR SHALL CONDUCT A SOIL TEST. UPON THE RESULTS OF THE SOIL TEST, THE CONTRACTOR SHALL SUBMIT A PROPOSED SOIL AMENDMENT PLAN TO THE UNIVERSITY OF MASSACHUSETTS.
13. LAWN SEED MIX SHALL BE THE PERENNIAL RYEGRASS, OR APPROVED EQUIVALENT, AT A RATE OF 5 LBS PER 1000 SQ FT. THE SEED MIX SHALL BE 10% PERENNIAL RYEGRASS, 5% CREEPING RED FESCUE, 5% CLOVER 5%, OR APPROVED EQUIVALENT. LAWN SEED AREAS SHALL BE WATERED AND DISPLAYING HEALTHY, UNIFORM GROWTH WITHIN ONE WEEK OF WATERING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING THE DETENTION BASIN SEED MIX FROM THE ENGLAND WETLAND PLANTS INC. AREA.
14. THE HYDRO SEED SLURRY SHALL BE APPLIED IN A LEAST TWO DIRECTIONS, 90 DEGREES APART.
15. PRIOR TO PLANTING, THE LANDSCAPE CONTRACTOR SHALL CONDUCT A WATER THOROUGHNESS TEST. WATER NEEDED EACH WEEK DURING THE GROWING SEASON SHALL BE MORE THAN ONE INCH OF RAIN HAS WATERING SHALL OCCUR AT A RATE OF ONE INCH PER WEEK. OTHER IN THE LATE AFTERNOON OR EARLY EVENING. EQUIVALENT OF ONE INCH OF WATER SHALL BE APPLIED EACH WEEK.
16. WITHIN THE LANDSCAPE BEDS, ALL PLANTING SHALL BE COMBUSTIBLE LANDSCAPE MATERIALS.
17. ALL LANDSCAPE BEDS SHALL BE MAINTAINED AS SPECIFIED IN THE DRAWINGS.
18. LANDSCAPE AREAS SHALL BE MAINTAINED AS SPECIFIED IN THE DRAWINGS.

for 4/1/21

192 CONCORD

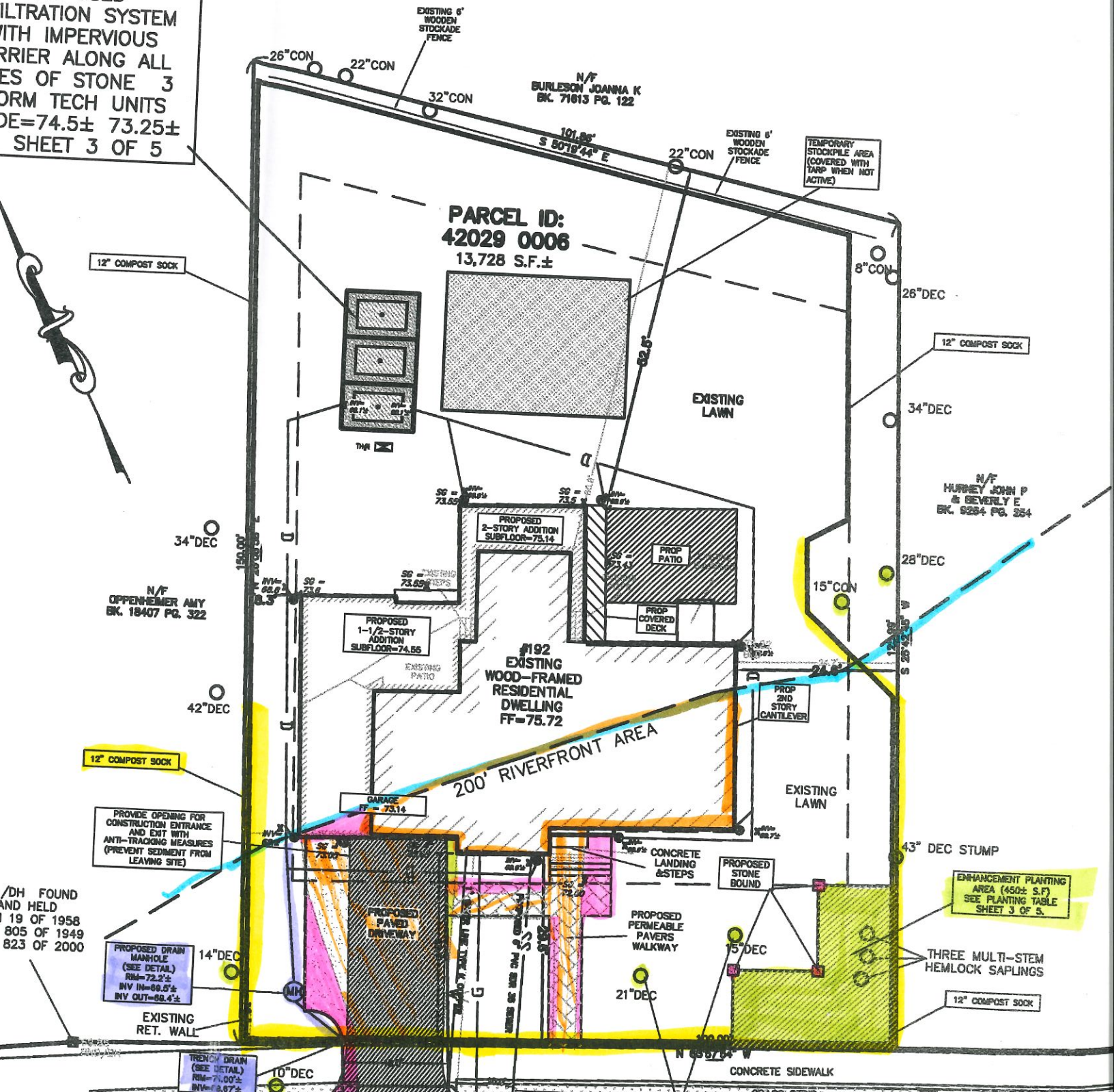
EXISTING
CONDITIONS



192 CONCORD

PROPOSED CONDITIONS

PROPOSED
FILTRATION SYSTEM
WITH IMPERVIOUS
BARRIER ALONG ALL
SIDES OF STONE
DRM TECH UNITS
DEPTH=74.5± 73.25±
SHEET 3 OF 5



PARCEL ID:
42029 0006
13,728 S.F.±

#192
EXISTING
WOOD-FRAMED
RESIDENTIAL
DWELLING
FF=75.72

200' RIVERFRONT AREA

PROPOSED
1-1/2-STORY
ADDITION
SUBFLOOR=74.55

PROPOSED
2-STORY
ADDITION
SUBFLOOR=75.14

GARAGE
FF=73.14

PROPOSED
PAVED
DRIVEWAY

PROPOSED
PERMEABLE
PAVERS
WALKWAY

CONCRETE
LANDING
& STEPS

PROPOSED
STONE
BOUND

ENHANCEMENT
PLANTING
AREA (450± S.F.)
SEE PLANTING TABLE
SHEET 3 OF 5

THREE MULTI-STEM
HEMLOCK SAPLINGS

TEMPORARY
STOCKPILE AREA
(COVERED WITH
TARP WHEN NOT
ACTIVE)

12" COMPOST SOCK

12" COMPOST SOCK

12" COMPOST SOCK

PROVIDE OPENING FOR
CONSTRUCTION ENTRANCE
AND EXIT WITH
ANTI-TRACKING MEASURES
(PREVENT SEDIMENT FROM
LEAVING SITE)

PROPOSED DRAIN
MANHOLE
(SEE DETAIL)
RIM=72.2'±
INV IN=68.5'±
INV OUT=68.4'±

EXISTING
RET. WALL

TRENCH DRAIN
(SEE DETAIL)
RIM=71.00'±
INV=68.87'±

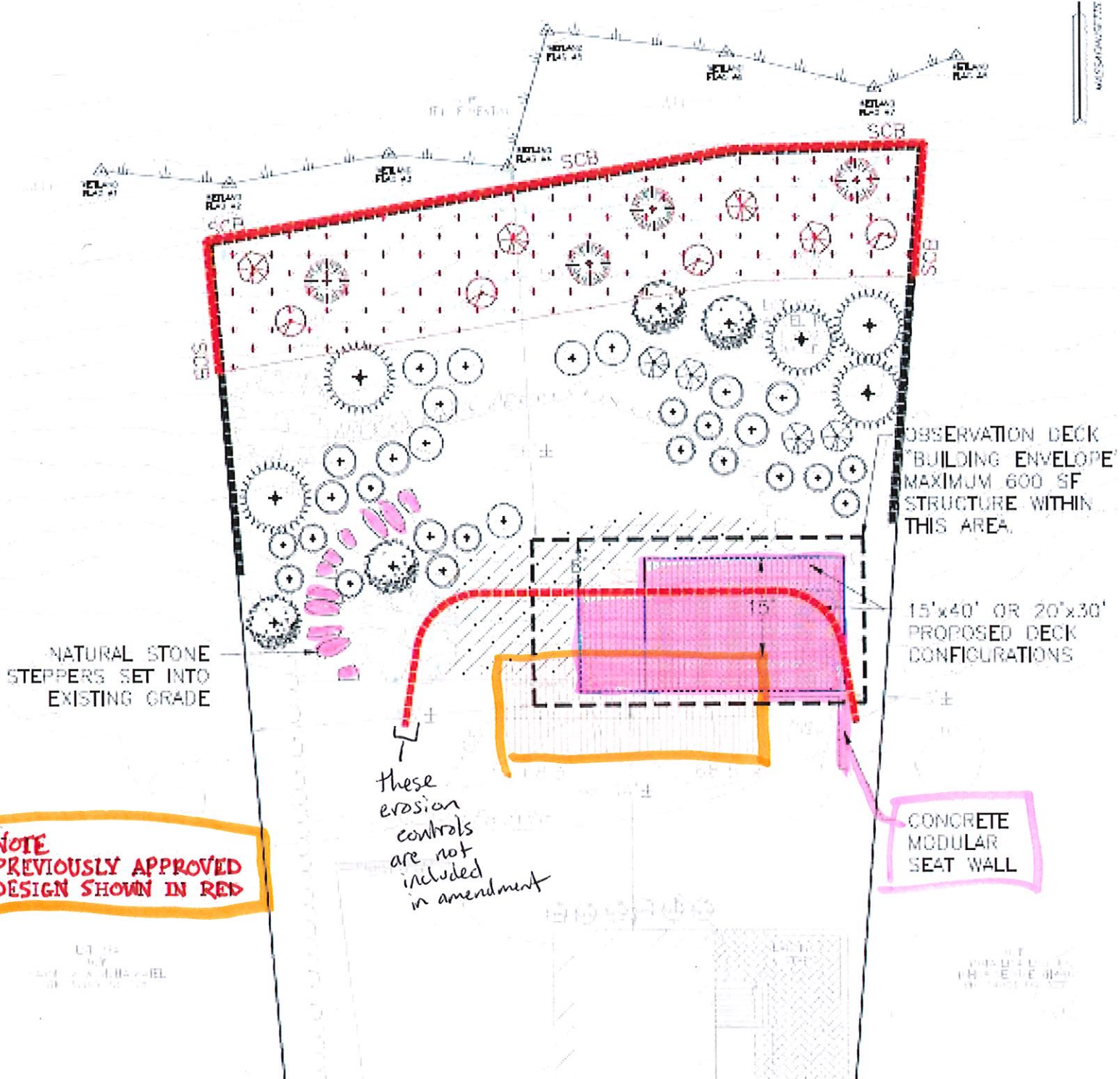
/DH FOUND
AND HELD
19 OF 1958
805 OF 1949
823 OF 2000

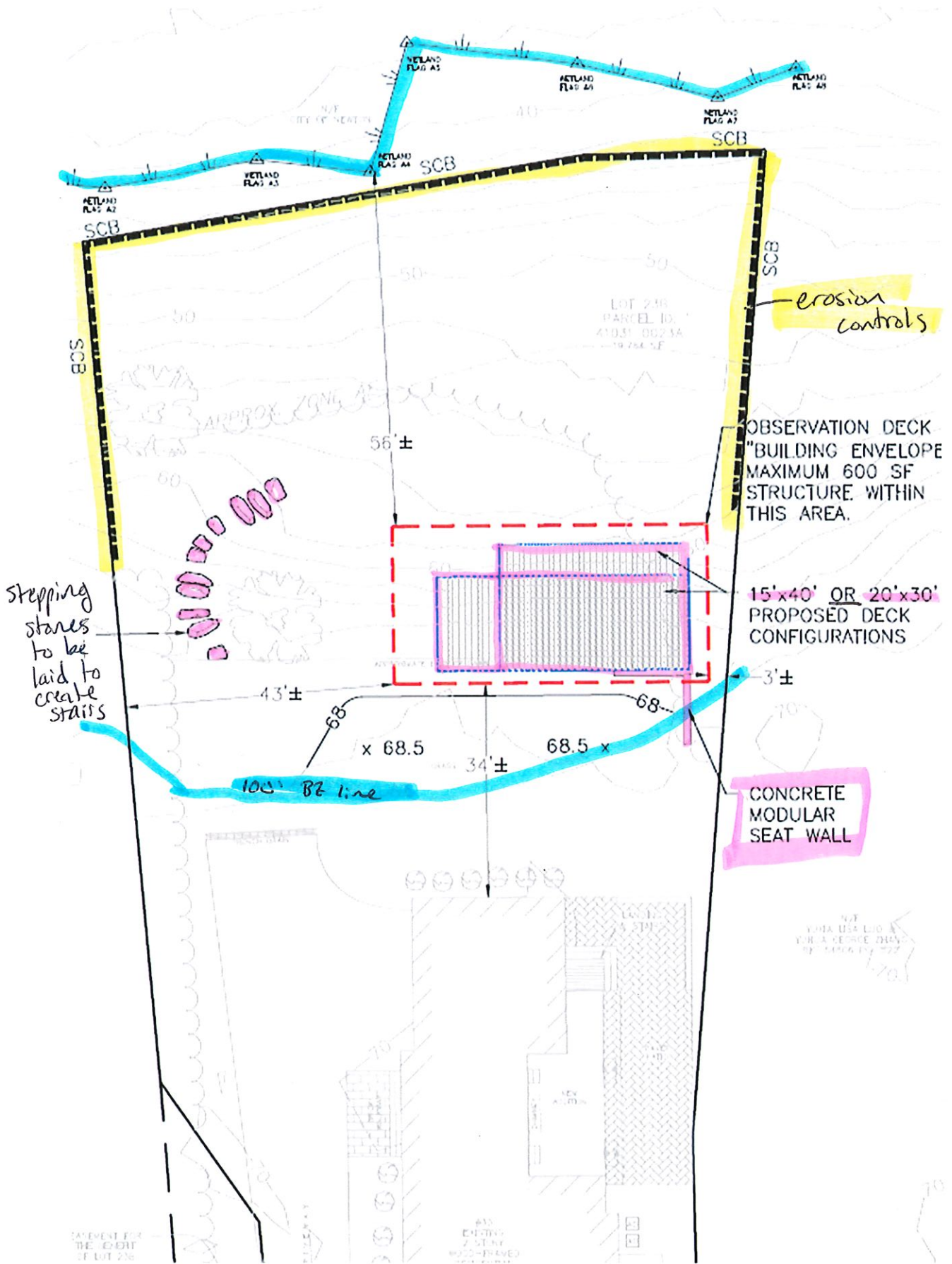
PROPOSED
FILTRATION SYSTEM
WITH IMPERVIOUS
BARRIER ALONG ALL
SIDES OF STONE
DRM TECH UNITS
DEPTH=74.5± 73.25±
SHEET 3 OF 5

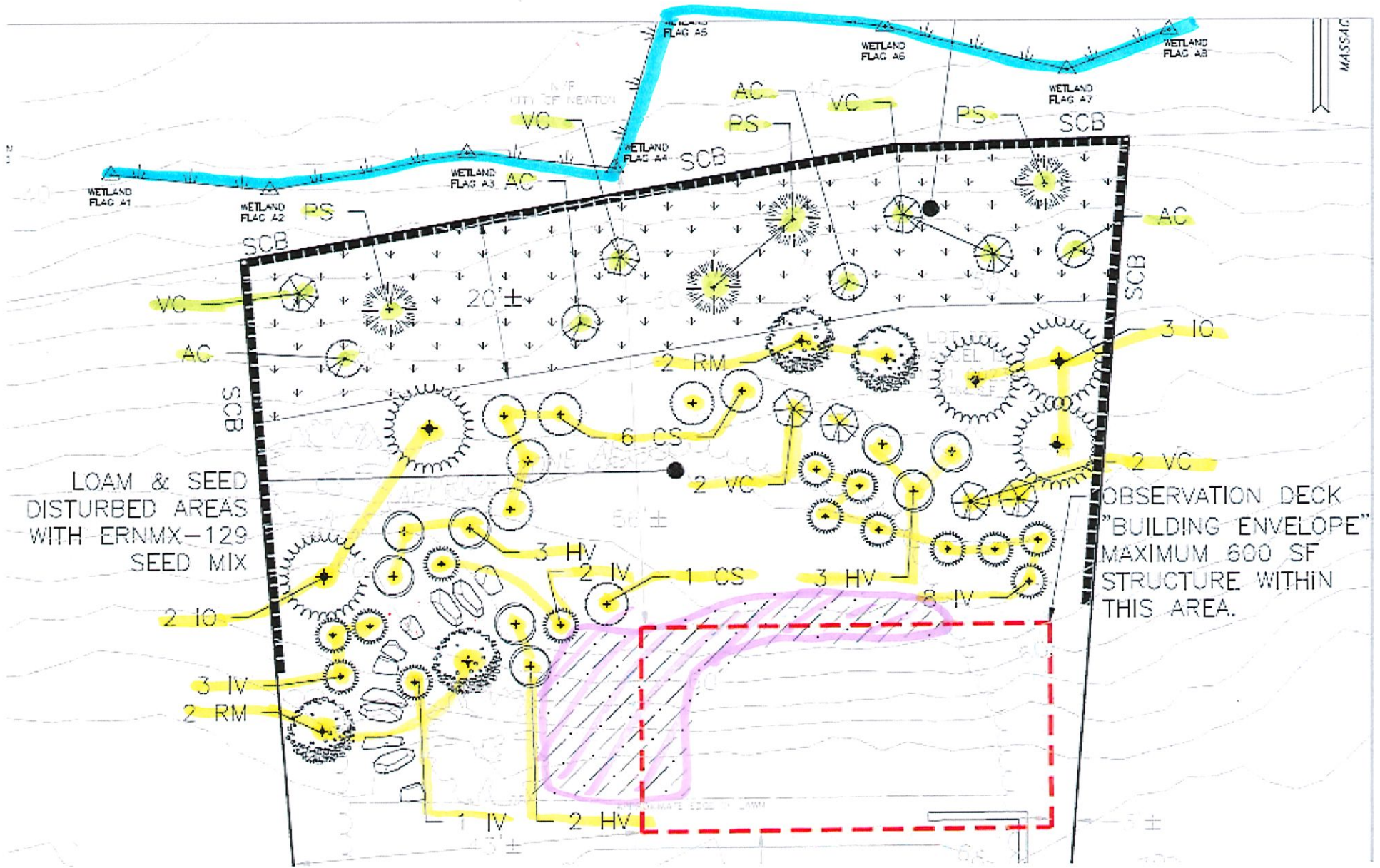
Enhancement Planting Area (450± sf)

Stratum; Species, Size; Spacing	Number
Shrubs (Evergreen and Deciduous); 3-5' height; 6' on-center	14
Mountain Laurel (<i>Kalmia latifolia</i>)	3
Black Chokeberry (<i>Photinia melanocarpa</i>)	4
Gray Dogwood (<i>Cornus racemosa</i>)	4
Inkberry (<i>Ilex glabra</i>)	3
Small Shrubs; Sizes Below; 6' on-center	14
Lowbush Blueberry (<i>Vaccinium angustifolium</i> ; 6-12")	5
Common Juniper (<i>Juniperus communis</i> ; 18-24")	4
Northern Bush Honeysuckle (<i>Diervilla lonicera</i> ; 18-24")	5

- The three existing multi-stem Eastern Hemlock (*Tsuga canadensis*) saplings in the area will be retained.
- Plants to be placed under direction of qualified wetland scientist.
- Substitutions will be from the above planting list subject to approval by Staff.
- Plants must be natives; cultivars and varieties will not be accepted.
- The soil at the edges of the planting area will be graded such that the mulch will be level or depressed compared to the adjacent lawn or sidewalk.
- After planting, the area will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural bark mulch.




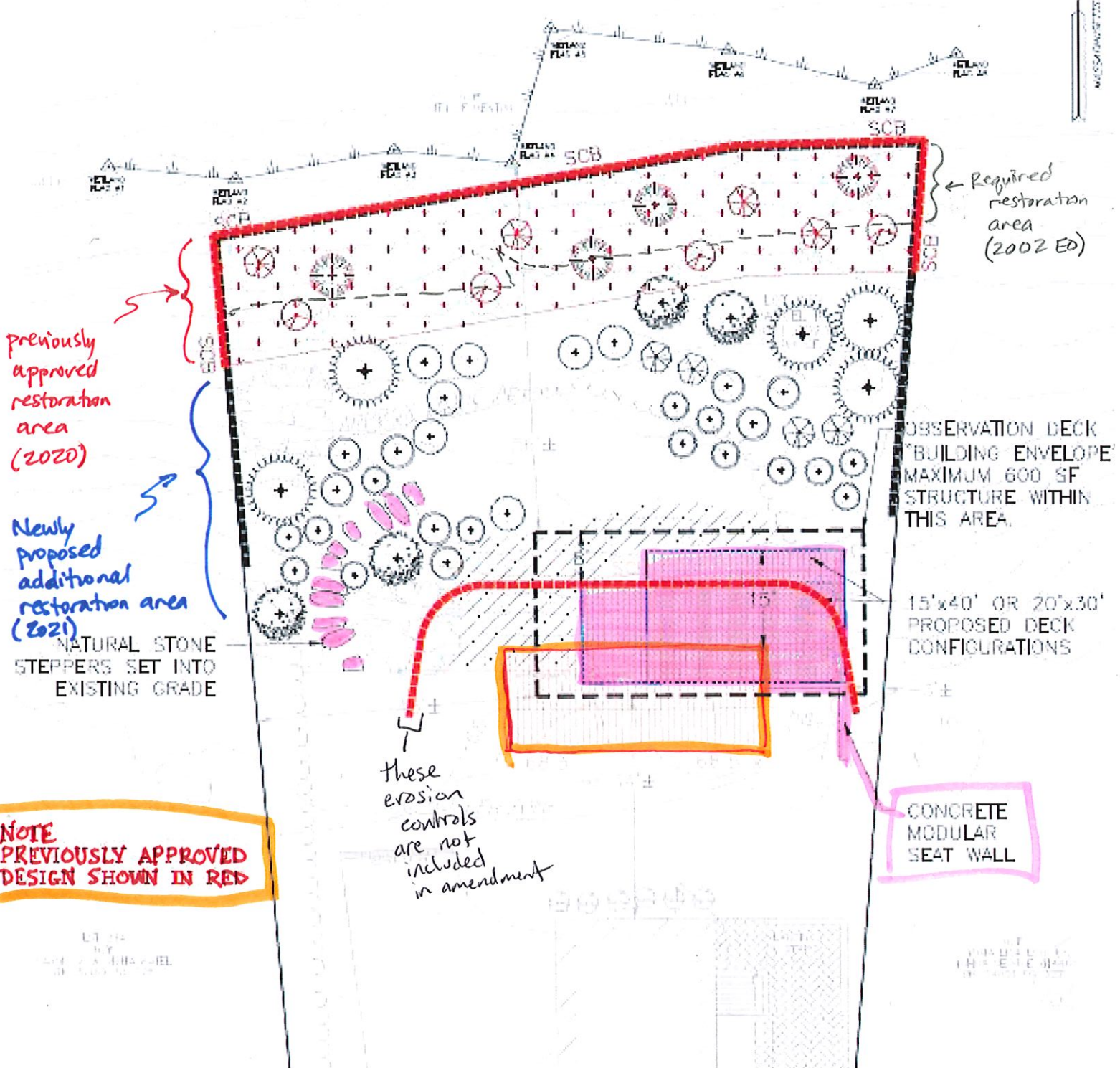




BUFFER ZONE ENHANCEMENT PLANTING SCHEDULE					
ORIGINALLY APPROVED PLANTINGS TO REMAIN:					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SPACING	SIZE
PS	4	PINUS STROBUS	WHITE PINE	AS SHOWN	4-5'
AC	4	AMELANCHIER CANADENSIS	SHADBUSH	AS SHOWN	4-5'
VC	8	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	AS SHOWN	3-4'
SEED MIX		<u>ERNMX-129:</u> 30% CREEPING RED FESCUE, 30% CHEWINGS FESCUE, 20% ANNUAL RYEGRASS, 10% KENTUCKY BLUEGRASS, 'BARON,' 10% ROUGH BLUEGRASS		<u>APPLICATION RATE:</u> 3-5 LBS/1000 SF 100-200 LBS/AC	

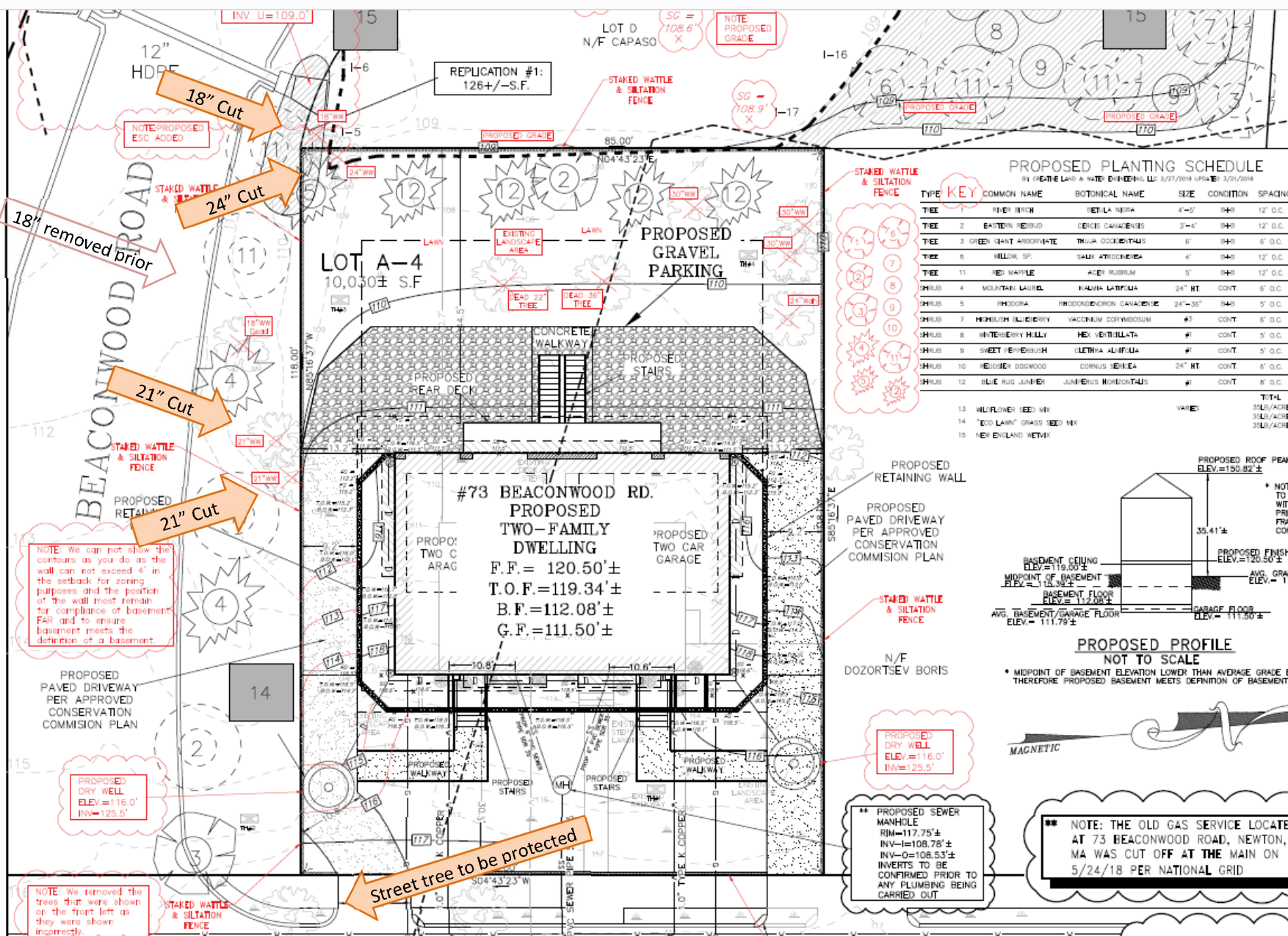
→ 4 originally approved
 4 proposed for amendment

ADDITIONAL PROPOSED BUFFER ENHANCEMENT PLANTINGS:					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SPACING	SIZE
CS ↓	7	CORNUS SERICEA	REDOSIER DOGWOOD	AS SHOWN	3-4'
IO ↓	5	ILEX OPACA	AMERICAN HOLLY	AS SHOWN	5-6'
RM	4	RHODODENDRON MAXIMUM	ROSEBAY	AS SHOWN	4-5'
IV ✓	14	ILEX VERTICILLATA	WINTERBERRY	AS SHOWN	3-4'
HV	8	HAMAMELIS VIRGINIANA	WITCH HAZEL	AS SHOWN	4-5'
	150	POLYSTICHUM ACROSTICHOIDES	CHRISTMAS FERN	18-24" O.C.	1 GAL.



**NOTE
PREVIOUSLY APPROVED
DESIGN SHOWN IN RED**

these erosion controls are not included in amendment



Approved "Consolidated" Plan Excerpt Showing the Trees in Question

21. The applicant must schedule and attend a pre-construction site visit to review construction activities with the Conservation office with:
- i. Applicant or Applicant's Representative(s)
 - ii. Applicant's Construction Supervisor (person responsible for compliance with this Order and who may be held jointly responsible for any violations and the penalties under the law for said violations)
 - iii. Agent(s) of the Commission

At the pre-construction site visit the following will be checked by an agent of the Conservation Commission:

- iv. Sedimentation/erosion controls are properly installed in the correct locations – Limit of Work Line and catch basin protection. 10-inch (or larger) compost socks must be used for erosion control, not straw wattles.
 - v. DEP File number sign of minimum size 2'x2' shall be displayed clearly visible from the street
 - vi. Proof of Recording the Order has been supplied to the Conservation office
 - vii. Contact information for those responsible for construction, sediment controls, and landscaping has been supplied to the Conservation office
 - viii. Anticipated timeline has been supplied to the Conservation office
23. Protection of tree: The one tree marked for protection on the approved plans must be protected before and during construction activities with orange snow fence installed at the dripline of the canopy. If it dies within 2 years of the start of construction or has been demonstrably harmed by construction activities, it shall be replaced with 2 native canopy saplings (of roughly 2 caliper inches).

Tue 3/23/2021 2:52 PM by email

Hi Jennifer,

First of all, thank you for all your careful attention to this matter. All the various inhabitants of Newton Conservation lands— insects, furry critters, and two-legged day-visitors alike— are very fortunate to have you and Claire keeping a close eye!

The Newton Conservation Commission policy approved March 11, 2021 is reasonable and foresightful. I have always felt nothing but deep gratitude for the opportunity to beekeep on Newton Conservation land. I will closely follow these new instructions and guidelines. Below, I will endeavor to address your other questions.

Nurse Colonies for Observation Hives

I am fortunate to be a beneficiary of surplus honey, but the primary mission of the honeybee colonies at the Deer Park Apiary is to serve as nurse colonies for [Classroom Hives](#), a non-profit dedicated to helping schools install and maintain observation hives, and develop related curriculum. This *teach-a-person-to-fish* educational model is the one I am personally most keen to support. Observation hives have historically been, and continue to be, an excellent tool for the serious scholars and entomologists, as can be seen in the excellent work of [Dr. Heather Mattila](#) at Wellesley College (I believe the apiary that supports her research has about 2-3 dozen hives; here's a link to a paper she published last [December](#)) and [Dr. Thomas Seeley](#) at Cornell. Observation hives create a breadth of possibility for study and experiment design, depending only on the ambitions of the students and teachers.

Classroom Hives (CH) is led by two public school teachers, Benadette Manning and Jacqueline Beaupré. Benadette teaches high school math in Boston and Jacqueline is a high school science teacher in Hingham. I would say they both represent perfect examples of what I hope to accomplish with Classroom Hives. Honeybees have been the subject of centuries of "citizen science" so we know bucketloads of information about them (like the waggle dance [first observed by Karl von Frisch](#)). I think they also offer a fascinating launching place for comparison to other insects, including native bees, super-organisms, and other social insects and animals.

I would agree with those who argue that careful observational study of the environment remains crucial even while so much attention is currently going toward the dazzling advances in coding and genetics. It is possible that observation studies will not always be good news for honeybee enthusiasts, for instance in determining whether or not honey bees compete with bumblebees or other native bees for resources and whether honey bee viruses and pathogens might spread to other bees. Raising future generations of capable researchers will surely help us find answers to such important questions.

Broadly speaking, beekeepers promote healthy environments in which both wild and managed bees thrive. This stewardship can be inclusive, collaborative and cooperative.

Proposals:

1. The current license allows for 14 full size hives but this should be reduced and refined to a maximum of 8 full size overwintered hives with up to an additional 6 small nucleus colonies for short periods only (say ≤ 10 weeks) in spring and summer, as for instance, when building a nuc destined for a school's

observation hive, or serving as a holding station for a school's observation hive while the school building is closed for 2 months during summer.

2. The concrete slab at Deer Park might be an excellent spot to co-host a study of native bees. I will continue to seek these opportunities.
3. Through Classroom Hives, I will ensure we have outreach going to Newton Public Schools so that they are aware of our organization and the possibility of observation hives.
4. I will post a sign at the apiary sign briefly noting that the bees nurse colonies for Classroom Hives.
5. Please think of me as an eager volunteer if there is anything helpful to be done in the Old Deer Park. For instance, removing the remaining stakes from the old electric perimeter fence would not be too difficult of a chore.
6. I will work to ensure that a tidy and pleasant look is maintained at the apiary at all times and especially in advance of Deer Park becoming open to the public.

Varroa Mites

Regarding *Varroa destructor*, that great bane of *Apis mellifera*, I treated all colonies at Deer Park in 2020, including a swarm I removed from the back window of a car. I primarily use oxalic acid via dribble method: ≤ 50 ml of a sugar syrup solution per hive as the label directs. One colony was found to have a high mite count in August so I gave them Formic Pro (also following the label). As a MA state inspector, sampling for mites and instructing on treatment was about 90% of the job. I have some experience with about every registered miticide and have tried treating at different threshold levels, and from non-treatment to prophylactic treatment. The most highly regarded scholar of honeybees recently stated he considers honeybees capable of evolving resistance to Varroa mites (Thomas D. Seeley, *The Lives of Honey Bees* (2019) p. 289-90) but getting to that point from where we are now would be costly and politically difficult. I prefer to treat bees destined for observation hives in classrooms.

Proposals:

7. I will continue to sample and treat colonies at Deer Park Apiary and work hard to prevent an infestation of Varroa mites.

Instruction in Beekeeping

I have taught beekeeping classes all around the Boston area and in other parts of the state. In some cases, I have met Newton residents taking these classes and also interacted with Newton residents through the Boston Area Beekeepers Association (BABA). Deer Park has been closed to the general public so the only visitors to the apiary have been my young son and fellow Classroom Hives board members helping re-stock observation hives for schools. If I am understanding correctly that the Commission fully supports and encourages on-site education, I would be excited to begin pursuing at least one annual class held at the apiary.

My own personal focus of late has been on the history of honeybees. This began as a lecture I was assigned to give while working as a state inspector to a large group of veterinarians from Tufts and later gave the same lecture at the Cambridge Center for Adult Education. Initially, I expected the history would begin with the famous cave paintings, and was startled to find that it goes so much deeper, as can be found in the work of [Eva Crane](#). Some well-regarded physical anthropologists (including Harvard's Richard Wrangam) now suggest that honeybees may have been a most crucial food source during a key period of human evolution (the encephalization). I love this subject and hope to give this lecture again but I also understand that not everyone gets excited about things like teeth patterns in the fossil record!

Proposals:

8. I will reach out to Newton Community Education specifically about offering at least one annual hand-on beekeeping class that meets at the Deer Park Apiary. If another association wants me to lead a class there (like BABA, or Middlesex Beekeepers) I will ensure Newton residents are prioritized.

I hope I have been able to address questions or concerns. I look forward to hearing more from you and attending a meeting of the Newton Conservation Commission next week.

Thank you!

All best,
Mark Lewis

**LICENSE AGREEMENT
BETWEEN THE CITY OF NEWTON AND MARK LEWIS
RELATIVE TO THE DEERPARK POLLINATOR REFUGE AND APIARY**

WHEREAS, the City of Newton (the “City”) is the Owner of a parcel of land commonly known as Deer Park located in the Webster Conservation Area, said parcel being taken by eminent domain by Order of Taking dated December 2, 1968, and shown as Parcel I on a plan of Land dated December 19, 1968, signed by U.M. Schiavone, City Engineer, and recorded with the City’s Engineering Department, (the “Property”);

WHEREAS, the Property is more fully depicted in the plan attached hereto as **Exhibit A**;

WHEREAS, Mark Lewis, an experienced beekeeper (“Licensee”), proposes to construct and maintain a Pollinator Refuge and Teaching Apiary on the Property;

NOW THEREFORE, in consideration of the covenants contained herein, be it agreed as follows:

1. The City, acting by and through its Conservation Commission (the “Commission”), without in any way releasing or abandoning its ownership and control of the land known as Deer Park and shown in Exhibit A, hereby grants a license to Licensee to enter upon and maintain the Licensed Area for the purpose of erecting, maintaining and otherwise establishing a Pollinator Refuge and Apiary which shall consist of a habitat of beehives, as more thoroughly detailed below. The Licensed Area is shown on the sketch plan attached hereto as **Exhibit B** (the “Licensed Area”).
2. Licensee agrees to construct and maintain a sand fence upon the Licensed Area for the purpose of enclosing the hives upon an existing concrete slab located in the Licensed Area. Licensee shall bear all costs associated with the construction, maintenance, and removal of the sand fence; and the City shall bear no costs associated with the construction, maintenance, or removal of the sand fence.
3. Licensee shall maintain no more than fourteen full-size honeybee hives upon the Licensed Area, unless otherwise agreed upon in writing by the Parties. Licensee shall be responsible for all costs associated with the construction, maintenance, and removal of the hives; and the City shall bear no costs associated with the construction, maintenance, or removal of the hives.
4. Any other or additional activity by the Licensee on the Property may be conducted only with the prior written approval of the Commission.
5. During the term of this License, Licensee releases the City from all claims and suits for damages, injuries, losses and costs by Licensee, his agents and contractors arising out of their presence on the Licensed Area, the maintenance or repair of the concrete slab, or any appurtenances created by Licensee in connection with the beehives, including the sand fence. Licensee further agrees to indemnify and defend the City against all claims and suits for damages, injuries, losses and costs arising in any way, wholly or in part, out of or caused, wholly or in part, or related in any way to Licensee’s activity on the Property.
6. This License Agreement shall be in full force and effect as of the date executed below and shall continue for two (2) years; and shall be automatically renewed for three (3) additional one year terms, unless written notice by either party of its intention not to renew, is provided to the other party more than than thirty days prior to the expiration of the then current term.

7. After the expiration of first year of this License, the City may revoke this License without cause on thirty (30) days written notice to Licensee.

8. The City, acting through the Commission, may revoke this license effective immediately for any breach or violation of any material term of this License agreement by Licensee.

9. Nothing contained herein shall limit the rights of the public to enter upon the Property that is not the subject of this License, to the extent and for the purpose(s) permitted by the Conservation Commission.

IN WITNESS WHEREOF, the parties have set their hands and seals to this instrument in duplicate originals.

LICENSEE:

Mark Lewis

**CITY OF NEWTON:
By The Conservation Commission:**

APPROVAL:

Setti D. Warren, Mayor

Date

Approved as to legal form and character:

Assistant City Solicitor

**LICENSE AGREEMENT
BETWEEN THE CITY OF NEWTON AND DAVID REILLY
RELATIVE TO THE NORUMBEGA CONSERVATION AREA APIARY**

WHEREAS, the City of Newton (the “City”) is the Owner of a parcel of land commonly known as Norumbega Conservation Area or Norumbega Park, said parcel having been acquired by Eminent Domain, the Taking being recorded with the Middlesex South Registry of Deeds at Book 13121, Page 634 and more fully described on a plan entitled, “Plan of Land, in Newton, Mass., Vacant Land (Norumbega) Between Islington Road and the Charles River for ACQUISITION BY EMINENT DOMAIN FOR CONSERVATION AND PASSIVE RECREATION PURPOSES . . . December 6, 1976, Joseph W. Moore Co., Land Surveyors – Civil Engineer . . . N78-37879” (the “Property”);

WHEREAS, the Property is more fully depicted in the plan attached hereto as **Exhibit A**;

WHEREAS, David Reilly, an experienced beekeeper (the “Licensee”), proposes to construct and maintain bee hives;

NOW THEREFORE, in consideration of the covenants contained herein, be it agreed as follows:

1. The City, acting by and through its Conservation Commission (the “Commission”), without in any way releasing or abandoning its ownership and control of the Property as shown in Exhibit A, hereby grants a license to Licensee to enter upon and maintain in the Licensed Area up to 6 beehives, as more thoroughly detailed below. The Licensed Area is shown on the sketch plan attached hereto as **Exhibit B** (the “Licensed Area”).
2. Licensee agrees to post signs at the Woodbine Road entrance and the Islington Oval entrance noting the presence of bee hives. Licensee shall seek and obtain approval for the text of the signs prior to posting.
3. Licensee shall maintain no more than six full-size honeybee hives upon the Licensed Area, unless otherwise agreed upon in writing by the Parties. Licensee shall be responsible for all costs associated with the construction, maintenance, and removal of the hives; and the City shall bear no costs associated with the construction, maintenance, or removal of the hives.
4. Any other or additional activity by the Licensee on the Property may be conducted only with the prior written approval of the Commission.
5. During the term of this License, Licensee releases the City from all claims and suits for damages, injuries, losses and costs by Licensee, his agents and contractors arising out of their presence on the Licensed Area, or any appurtenances created by Licensee in connection with the beehives. Licensee further agrees to indemnify and defend the City against all claims and suits for damages, injuries, losses and costs arising in any way, wholly or in part, out of or caused, wholly or in part, or related in any way to Licensee’s activity on the Property.
6. This License Agreement shall be in full force and effect as of the date executed below and shall continue for two (2) years; and shall be automatically renewed for three (3) additional one year terms, unless written notice by either party of its intention not to renew is provided to the other party more than than thirty days prior to the expiration of the then current term.

7. After the expiration of first year of this License, the City may revoke this License without cause on thirty (30) days written notice to Licensee.

8. The City, acting through the Commission, may revoke this license effective immediately for any breach or violation of any material term of this License agreement by Licensee.

9. Nothing contained herein shall limit the rights of the public to enter upon the Property, to the extent and for the purpose(s) permitted by the Conservation Commission.

IN WITNESS WHEREOF, the parties have set their hands and seals to this instrument in duplicate originals.

LICENSEE:

David Reilly

**CITY OF NEWTON:
By The Conservation Commission:**

_____	_____
_____	_____
_____	_____
_____	_____

APPROVAL:

Setti D. Warren, Mayor









Date

Approved as to legal form and character:

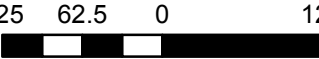
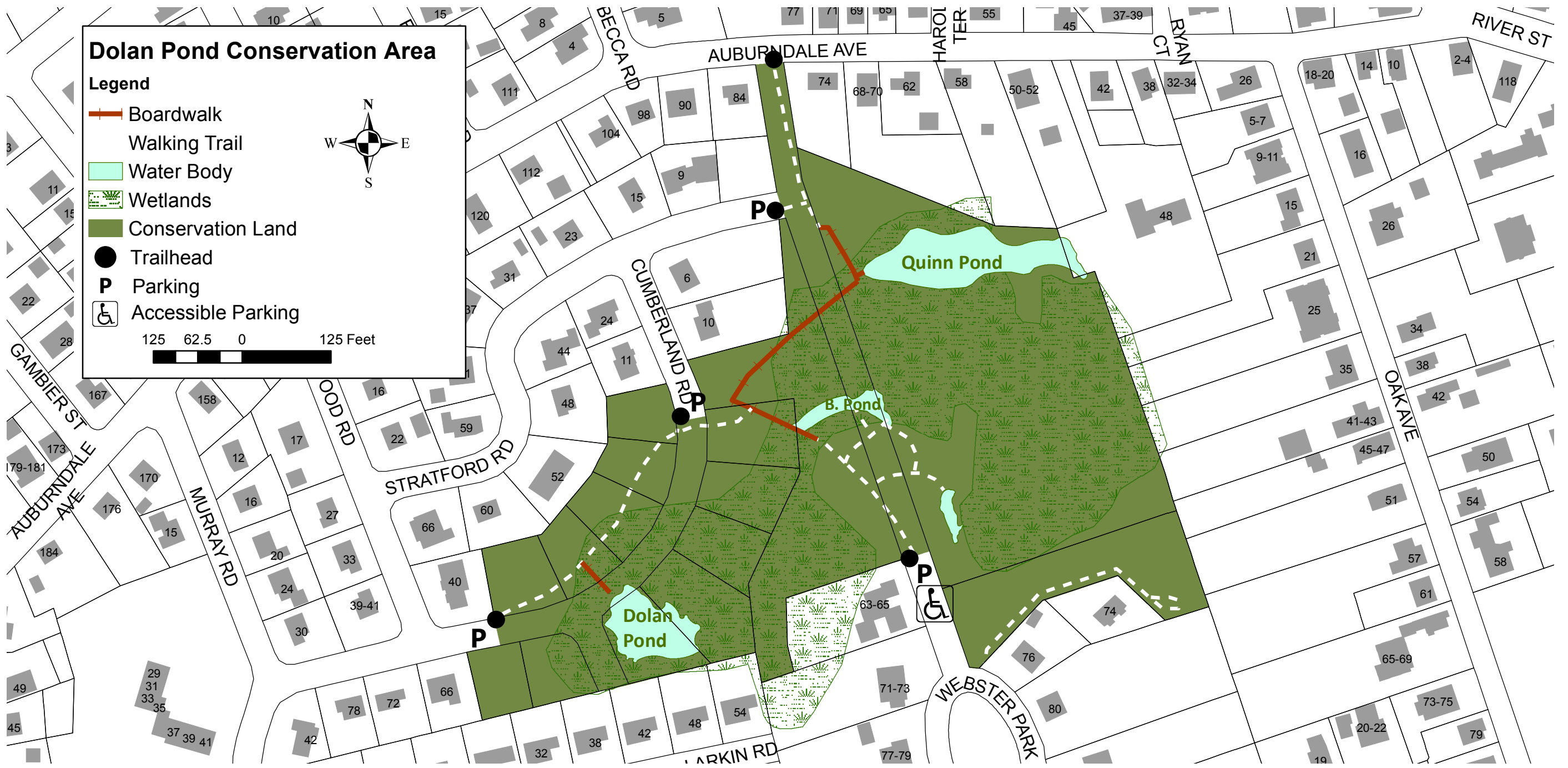
Assistant City Solicitor

Dolan Pond Conservation Area

Legend






-  Boardwalk
-  Walking Trail
-  Water Body
-  Wetlands
-  Conservation Land
-  Trailhead
-  Parking
-  Accessible Parking


125 62.5 0 125 Feet

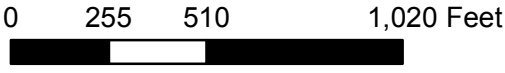



Webster Conservation Area (East and West)

Legend

-  Conservation / Public Land
-  Water Body
-  Wetlands
-  Trailhead
-  Parking







CONSERVATION COMMISSION MINUTES

Date: March 11, 2021

Time: 7:03pm – 10:25pm

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

<https://us02web.zoom.us/j/89416204734>

With a quorum present, the meeting opened at 7:03pm with Dan Green presiding as Chair.

Members Present: Susan Lunin, Leigh Gilligan, Kathy Cade, Ellen Katz, and Judy Hepburn (7:13pm).

Members Absent: Jeff Zabel and Leigh Gilligan

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. Cold Spring Park – NOI – construction of a sediment forebay – DEP File #239-885

- Owner/Applicant: City of Newton Representative: Ted Jerdee and Maria Rose, DPW
- Request: Issue OOC.
- Documents Presented: Plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain
- Project Summary
 - Construction of a sediment forebay at Cold Spring Brook where it approaches the private driveway of 77 Beaconwood Road. The area where the culvert discharges will be excavated to be a bit deeper, one slope will be “softened”, and a small low-water weir will be installed to define the downstream extent of the forebay. Water from the culvert will pool and sediment carried through culvert will drop out right there. The accumulated sediment will be trapped in the forebay, facilitating regular cleanouts, precluding sediment from traveling downstream, and reducing the need for maintenance dredging of the stream.
 - The work is planned to be done in conjunction with the exempt dredging of Cold Spring Brook by the East Middlesex Mosquito Control District.
- Presentation (Theodore Jerdee and Maria Rose) and Discussion:
 - Applicant provided a brief description of the work proposed including the tree removal and check dam. None of the trees that will need to be removed are jurisdictional under the City Tree Ordinance.
 - The applicant described the need for rip rap on the slope near the check dam and the need for either rip rap or plantings to stabilize the upper portion. Excavation would be needed for the check dam installation.
 - The sediment forebay will help prevent sediment from the culvert from entering the stream, therefore reducing the frequency of future dredging and the associated damage to banks and BVWs.
 - Access for the tree removal would likely occur through the park access but the excavator would likely be sat on the private driveway for 77 Beaconwood Rd.
 - The applicant stated that he is willing to work with Conservation staff to determine what plantings are appropriate and their locations.
 - Conservation staff suggested using old granite curbing instead of rip rap for easier cleaning in the future. Commissioners agreed that the curbing would be preferable, and the applicant agreed that they would look into that solution.
 - Commissioners discussed if the rip rap should have a height limit. The applicant stated that the height of the culvert should determine that, and that if there is a limit it should be the crown of the pipe. Anything above that would be plantings.
 - It is not the intention to grub the stumps during the stone hardening process to allow for the stability of the slope to remain intact.
 - Commissioners felt that just a woody/herbaceous seed mix from New England Wetland Plants in the disturbed areas was appropriate.



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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- Public Comment:
 - Alan Nogee – President of Friends of Cold Spring Park, thanked the City for proposing this, as he believes it will legitimately improve Cold Spring Brook.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Susan Lunin; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye), Vote 5:0:0]
 - The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent.
 - Prohibitions include:
 - a. Removal of or damage to trees other than the 4 trees identified as “to be removed” on the approved plans (one 8”, one 5”, one 4”, and one 3”).
 - b. Stone hardening on the embankments shall not exceed the height of the top of the 30-inch culvert.
 - The 4 trees to be removed will be flush cut and removed in their entirety from the site.
 - “Bank” restoration planting shall include:
 - a. Installation of 5 native shrubs in the area of bank expansion/disturbance.
 - b. Application of a seed mix equivalent to New England Roadside Matrix Upland Seed Mix (see OOC) throughout the entire area of disturbance.
 - Restoration plantings within Commission jurisdiction must:
 - a. Stabilize all exposed areas
 - b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - c. Be installed within 6 months of disturbance
 - d. Have a survival rate of 100 % of total number of shrubs (after 2 growing seasons)
 - If any trees within the wetland or buffer within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).

2. 10 Cumberland Road – NOI – reconstruction of sunroom and garage with new deck on a single-family home – DEP File #239-884

- Owner/Applicant: David Chao Representative: Scott Goddard, Goddard Consulting, LLC
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain (~45’ NAVD88 or 52’ CNVD)
- Project Summary:
 - Reconstruct existing detached garage and sunroom on existing foundation/piers. (No expansion of footprint)
 - Construct new screened-in porch at surface grade with a deck on top, accessible from the first floor, connected to the rear yard by a set of stairs.
- Presentation (Tim McQuire) and Discussion:
 - The applicant’s representative did state they are planning on requesting a continuation but wanted to introduce the project.
 - The applicant’s representative stated that what is currently shown as a screened porch with deck on top, will be shown on revised plans as just a deck. The representative asked for clarification on what the compensatory storage requirements would be for the deck construction. Staff confirmed that any fill above surface grade and below the flood elevation must be compensated for.
 - The applicant’s representative asked if plantings would still be in the interest of the Commission with the change to the proposed construction. Staff and Commissioners stated that plantings would still be expected. It was discussed 1 shrub for each deck post, which is estimated to be 8-10. Commissioners stated they would like to see a good size of shrub chosen.
 - The applicant will be back with revised plans as discussed tonight.
- Vote: To continue the hearing to the 4/1/21 Conservation Commission meeting to allow applicant to develop plans accurately reflecting the City floodplain and cut and fill calculations. [Motion: Susan Lunin; Second: Kathy Cade; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 5:0:0]

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3. 28-30 Riverdale Avenue – NOI – renovate existing structure, construct new building and centralized parking – DEP File #239-XXX

- Owner/Applicant: 28-30 Riverdale Ave LLC Representative: Lar Greene, McCarty Engineering
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Project Summary:
 - Demolish existing house and detached garage. Remove storage bins and covered stockpile areas. Existing commercial building to remain.
 - Renovate existing commercial building, construct new contractor building along northerly property line, create centralized parking area, install stormwater management, install plantings.
 - Proposed stormwater management is designed to capture both roof runoff and parking lot runoff through direct connections to underground infiltration chambers and through a foundation drain (around the new building) that overflows into the chambers.
 - Planting plan within wetland jurisdiction includes: 9 saplings, 22 shrubs, and 3 perennial grasses.
- Discussion:
 - Application has not been issued a DEP File number, and so the applicant has requested a continuation to the 4/1/21 Conservation Commission meeting.
- Vote: To continue the hearing to the 4/1/21 Conservation Commission meeting to await a file number from DEP. [Motion: Ellen Katz; Second: Susan Lunin; Roll-call vote: Gilligan (aye), Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye), Zabel (aye). Vote 5:0:0]

4. 11 Dedham Street – RDA – second level addition and new deck

- Owner/Applicant: Jason and Fei Xu Contardo Representative: Jacob Gadbois, Masters Touch Design Build
- Request: Issue DOA.
- Documents Presented: colored plans, site photos, draft DOA
- Jurisdiction: BLSF, City Floodplain (112' NAVD88)
- Project Summary:
 - Demolition of an existing 15' x 6' deck and stairs (existing deck is ~7' above the driveway and garage entrance). Only 1 step of the existing stairs and the bottom 1' of the deck sonotubes fall within the flood elevation.
 - Construction of a two-story addition where the deck is now. The addition will be on pilings ~7' above the driveway and garage entrance.
 - Construction of a new deck with associated stairs over existing lawn.
 - 1' of the sonotubes, pilings, and deck stairs fall within the flood elevation.
- Presentation (Jacob Gadbois) and Discussion:
 - Applicant's representative provided a brief description of the work.
 - Commissioners asked if any driveway work is proposed. Applicant's representative stated that the owners would like to resurface at some point, but no changes are proposed. Staff reminded the applicant's representative that the driveway repaving does need an administrative approval but is otherwise exempt.
 - The applicant's representative stated that they are not planning on installing any lattice on the structures proposed, but that the applicant would prefer if they could. Commissioners agreed that a plan for lattice should be presented and approved administratively
 - Commissioners agreed that the line of trees along the southern property line should be protected from cutting and root compaction with a limit of work line that crosses the lawn and patio.
- Vote: To issue a negative 2, 3, and 6 determination with the following conditions. [Motion: Susan Lunin; Second: Kathy Cade; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 5:0:0]
 - The line of trees along the southern property line must be protected from cutting and root compaction with the installation of snow fencing that crosses the lawn and patio to serve as the limit-of-work line.
 - To protect the trees along the southern property line, full depth driveway reconstruction is not allowed under this determination but milling and repaving of the existing driveway is allowed under this determination with courtesy notification to the Conservation staff prior to any such work beginning.

- All structures must comply with the Commission’s Guidelines for Construction in Flood Zone. Those guidelines prohibit enclosure of the space under the deck with skirting, mesh, lattice, etc. in any way that would restrict or impede the flow of floodwater (see the Guidelines for details). Such compliance must be confirmed for the completed deck/addition/stairs through provision of photos to the Conservation Office and must be maintained in perpetuity. Conservation staff shall be provided with drawings of any proposed lattice work for administrative approval.

5. 478 Quinobequin Road – RDA – second level addition

- Owner/Applicant: Michael Katsas Representative: Samuel Sandoval, S and S Services, Inc.
- Request: Issue DOA.
- Documents Presented: colored plans, site photos, draft DOA
- Jurisdiction: Riverfront Area
- Project Summary
 - Raise roof on western half of home by 2’ (existing 8’, proposed 10’). Replace all windows, siding, front and rear doors, and garage door.
 - Remove/disturb 5’ of lawn in front and all foundation plantings. Lawn will be re-seeded at original grade and foundation shrubs will be replaced 1:1 with native shrubs at least 3’ tall.
 - If damaged, repair the existing paver driveway in place and in kind.
 - No trees to be removed.
- Presentation (Michael Katsas) and Discussion:
 - Applicant provided a brief description of the proposed work and clarified that the deck and front stairs are due to be reconstructed, but no expansion is proposed. They will be replaced in place and in kind. The driveway may be replaced but will remain pavers.
 - Applicant has no issue with the erosion controls and root protection (with plywood) required.
- Vote: To issue a negative 2 and 3 determination with the following conditions. [Motion: Ellen Katz; Second: Judith Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 5:0:0]
 - A staked compost sock must be installed in the locations shown on the annotated plan.
 - A pre-construction site visit must confirm erosion control installation prior to work beginning on site.
 - The roots of the evergreen trees that line the southern property line shall remain covered with 1” plywood throughout construction.
 - Foundation plantings shall be native and sized as noted in the application materials.
 - Silt sacks shall be installed within catch basins in Quinobequin Road in front of the subject lot.
 - If any trees within the wetland or buffer within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).

6. Needham Street Bridge and Roadway Reconstruction – Amendment Request – DEP File #239-815 (and DEP File #239-741)

- Owner/Applicant: MassDOT Representative: Michael Smith, Gioioso and Marie Sullivan, Stantec
- Request: Issue an Amended OOC.
- Documents Presented: Colored plans, photos, draft AOOO
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain, LUWW
- Summary of Requested Changes:
 - Road/sidewalk widening / NW (“Swale”) Slope Regrading/Stabilization
 - The slope (near the swale) graded for the Oak/Christina intersection project (OOC #239-741) will be disturbed again to accommodate the road/sidewalk widening.
 - To allow the swale to remain in place and not disturb the vegetation on the far side of the swale, the slope will be regraded to 2:1 and 1.5:1 in places.
 - The 1.5:1 area will be stabilized with a native seed mix immediately upgradient of the swale and the applicant will use a spray matting of bonded, biodegradable fiber that can be seeded with a wildflower mix.
 - Toe of slope erosion controls are due to remain in place until the slope is stable and 75% vegetated.
 - Tree Removal

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- A temporary utility pole on the SE side is required to ensure utilities are at least 10' from construction activities. Due to this, cutting and grubbing of 2 mature trees (26" and 32") is needed.
- For crane access to construct the cantilevered sidewalk on the NW side, cutting and grubbing of 2 10" trees and a fallen twin 14" tree is needed.
- Additionally, a 36" tree on the NW side is proposed to be removed because it is in conflict with the proposed end of the bridge and is in an area due to receive 1.5' of fill.
- To mitigate for the new removal, additional tree and shrub plantings are proposed on the NW slope between the roadway/sidewalk and the swale: 5 red maples (*Acer rubrum*), 11 downy serviceberry (*Amelanchier arborea*), 7 sweet pepperbush (*Clethra alnifolia*), and 10 arrowwood viburnum (*Viburnum dentatum*).
- Staging Area
 - The contractor is proposing to construct a temporary staging area (2,426 sf) and access ramp to the river on the NW slope. Creating the staging area will require installing a temporary block wall (with footings) and back filling the area.
 - At the end of the project, the staging area will be removed, and the slope will be graded and stabilized with vegetation (see the planting plan).
- Temporary Support Shield for Bridge
 - To construct the cantilevered sidewalk on both sides of the bridge, additional support shields (2,400 sf) need to be installed under the Center Span/Arch and North Span/Arch of the bridge.
 - This work requires "construction staging" (scaffolding) and concrete footings in the river.
 - For the North Span/Arch, the area will be dewatered, and work will occur in the dry. (See Figures 9 and 21)
 - Sandbags will be set up at the perimeter of the dewatering area and used for dewatering control. The location of the dewatering area is proposed to be determined during the pre-construction site visit and will be composed of straw bales and, potentially, a stone velocity dissipator.
 - Existing rocks and debris will be removed from a 3,000 s.f. area under the North Span/Arch and then be dewatered. Then, concrete footings ("continuous leveling pad") for the shield supports can be poured.
 - A concept design is being considered for the support of the Center Span/Arch using floating rafts (8' x 15'). A power boat would be used for the installation and demolition of these temporary supports. (See Figures 6 and 7)
 - A spilldam boom will be used down steam of the northern arch.
 - It is anticipated the navigable waterway will be closed while installation and demolition occur.
- Stone Repointing
 - Repointing activities are planned using scaffolding and/or a small electric lift for the northern span and must occur using scaffolding for the center span. Scaffolding footings/legs will sit in the river.
 - The scaffolding impact will occur within a 100 s.f. area within the above detailed 3,000 s.f. area of impact for the temporary support shields.
- Presentation (Marie Sullivan) and Discussion:
 - Staff and the applicant's representative walked through the project together. Applicant did submit revised plans and responses to the comments detailed in the agenda staff notes.
 - Staff stated they felt that just a compost sock is not sufficient for ESC at the base of the slope above the swale. A line of super silt fence should be installed as well and be pushed slightly out from.
 - In the northeast area on the north side, the applicant's representative clarified that additional ESC is needed and cannot be pulled tighter unless they put in a steeper slope. Staff questioned this as the grading lines do not show this on the plans received.
 - Applicant's representative stated that they feel the grading shown on the sheets submitted is for the original Oak-Christina project and may not be correct. There may be an additional tree in danger, but they will confirm.
 - Staff noted some issues with dates missing from the plan sheets. Applicant's representative stated that those were just figures for this presentation and that the ESC will be showed on the actual construction plans. Staff reminded the project team that we will need to receive those plans to reference in the OOC.
 - In order to accommodate the bike lane, shifting of the sidewalk needed to occur. Staff feel that the coordination between this project and the Oak-Christina project was very poor as a number of changes are being made to the areas already disturbed under 239-741. The applicant's representative stated that further coordination between

MassDOT and Needham resulted in changes to the bike lane, after the Oak-Christina project had already been bid, as it was pulled out for a grant.

- On Figure 13, there is a bump out of the ESC that staff asked for clarification on. The applicant's representative clarified that there is tree removal occurring there on a tree that is leaning over the roadway.
- Staff felt the revised planting plan provided this week is appropriate.
- There was repeated concern about the plans we are seeing during this presentation are not a part of the actual plan set. Applicant's representative confirmed that a full plan set will be submitted to the Conservation Office for reference in the amended OOC.
- Staff requested that the dewatering basin be moved within the ESC limits (limit of work). The applicant team agreed that this was possible.
- Applicant team member confirmed that the concrete footing for the northern arch will be cast in place in a dewatered condition.
- Staff requested that the final plan set presented have dates and clear revision notes and show accurate grading representation and strengthened ESC along the swale.
- Commissioners asked for clarification on what the ownership situation will be once work is completed. The project representative clarified that at the end of work, the City and MassDOT will discuss the transfer of ownership. Staff asked for clarification on where the MassDOT property ends. It does end right along the slope above the swale but there a permanent drainage easement there along the private property held by MassDOT. They expect that this easement will be transferred with the ROW.
- The applicant's representative feels they will be able to get the requested materials to staff by next Thursday (3/18/21). Staff asked Commissioners if they would be comfortable issuing the permit tonight or if they would like to wait and see the requested changes on paper before issuing on 4/1/21. The project team did request that the permit be issued as soon as possible to allow for more work to occur as soon as possible.
- Commissioners stated they are most concerned about the grading clarity along the northeastern section of the slope. Staff stated that erosion controls also need to be clarified. The applicant's representative stated that they will put a silt fence wherever staff feel it is appropriate. Staff stated that they understand staked silt fence cannot go across the access but should be installed everywhere else on either side of the street. The applicant's representative stated that would not be a problem and the new plans will identify that.
- Commissioners asked if "this was it," or if other changes are anticipated. The project team confirmed that they have no further anticipated plan changes for the bridge area.
- Commissioners asked if any additional plantings would be appropriate. The project team stated they did have concerns with putting plants in the 1:1.5 slope and with utility conflicts in the area but stated that they could make a few additional shrubs work. Staff recommended a few shrubs along the toe of slope to allow for future mowing maintenance along the sidewalk.
 - Commissioners recommended low grow sumac for additional shrubs, especially as the four red maples may take some time to stabilize the slope with root mass. Project team stated that this would be fine, and staff stated that they will mark-up the plan and send it to the team for formalization.
- Commissioners also suggested swapping out the viburnum which has a number of known pests, and the project team stated that they would accept whatever recommendation staff sent over. Staff will connect with commissioners to determine an appropriate species.
- Vote: To issue an Amended Order of Conditions with the following additional special conditions. [Motion: Susan Lunin; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 5:0:0]
 - **The location of the dewatering area shall be reviewed and approved during the pre-construction site visit. Conservation staff shall, at that time, determine the appropriate type of sediment controls for the dewatering area.**
 - Plantings within Commission jurisdiction must:
 - a. Be installed in compliance with the approved **and amended** plans. Desired deviations from the approved **and/or amended** plans must be approved by the Conservation office in advance.
 - b. **All trees and shrubs associated with the amended planting plan must survive for two growing seasons.**
 - c. Survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted.
 - **All brush and logs (and any wood chips) from clearing activities must be removed from the site.**
 - **All disturbed areas shall be stabilized and/or vegetated as indicated on the amended plan sheets.**

- All temporary construction materials (such as sandbags, timber mats, temporary access ramps, temporary staging areas, and erosion and sediment controls) must be removed and properly disposed of off-site.
- All original special conditions are still in effect.

7. 942-944 Watertown Street – Compliance Discussion – new duplex – DEP File #239-427

- Owner/Applicant: Janet Edsall Fields Representative: Stephen Fields
- Request: Approve restoration plan.
- Documents Presented: Revised as-built, annotated revised as-built
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Issue Summary:
 - Summary of the previous Conservation Commission meeting discussion.
 - Commissioners noted that the unpermitted driveway expansion should be mitigated for through additional plantings. Commissioners noted that plantings must be installed throughout the original planting area, and more, because of the expansion of the driveway. Staff and Commissioners noted that mitigation plantings could be placed around the sides of the property and not just in the rear corner, but that a professional landscaper should determine an appropriate planting plan. Commissioners emphasized the need for pollinator/wildlife habitat and native species.
 - Commissioners noted that the unpermitted patio and fence should be removed. They noted that a fence may be approved but would need to be brought before the Commission since it would be within flood zone and riverfront area.
 - The applicant has submitted a restoration planting plan for the lot, which includes:
 - Removal of the patio and fence.
 - 8 saplings: 5 *Thuja plicata* (Green Giant Arborvitae), 2 *Cornus alternifolia* (Pagoda Dogwood), 1 *Cornus Rasemosa* (Gray Dogwood). The applicant notes that they are proposing the arborvitae, despite Commissioner comments at the last meeting, as they provide screening and a clear barrier akin to a fence. They are willing to consider *Thuja occidentalis* “Nigra” (Dark American Arborvitae) instead of Green Giant.
 - 21 shrubs (5 gal): 5 American Cranberry, 6 *Cornus Ivory* (red-twig), 7 Inkberry, 3 Snow Queen Hydrangeas.
 - Lawn area to allow space for the tenant’s children to play.
- Presentation (Steve Edsall) and Discussion:
 - Applicant provided a summary of the proposed work. They stated that they were amenable to alternate tree species. Commissioners suggested swapping the *Cornus Ivory* with *Cornus sericea* (red-twig dogwood) which is native.
 - Commissioners suggested taking out the turf in front of the house and putting additional planting area there, still within the riverfront area, to allow for lawn to be maintained in the rear. It was suggested that the beds in the front be expanded to create additional planting area.
 - Staff feel that allowing that may set a bad precedent, as this project was an expansion project within riverfront area, and that a small front planting bed may not be able to be maintained in a naturalized area. Commissioners stated that the bed be extended to connect with the small shrub line closer to the river to create a connected wildlife habitat area. The area between the house and the stream to the side is very root bound with Norway Maple roots, so is not optimal planting area.
 - Commissioners understand staff concerns but feel the rear yard is also not optimal wildlife habitat. Staff clarified that the site was not as unvegetated when originally permitted and that the Commission’s interest should be in bettering jurisdictional areas rather than just maintaining.
 - Commissioner would like to see a Black Hill Spruce (*Picea glauca*) in the back as they support a number of caterpillar and butterfly species. Applicant is very interested in suggestions and asked about swapping out the 5 *Thuja plicata* for 14 *Thuja occidentalis* “Nigra”. While Commissioners do not love arborvitae but do understand its purpose and do not have a preference.
 - Commissioners did raise concerns about how to balance the lawn area in the back with vegetated areas. It was determined that the square footage of planting area in the front should equal the lawn area being proposed in the rear. This may require decreasing the lawn area in the back.
- Public Comment:
 - Alan Noguee: Suggested a variety of Holly (American) species for rear screening. Commissioners and staff responded that they are rather slow growing and may not provide the same effect.

- Consensus: Continue the discussion to 4/1/21 to await a revised landscape plan to restore compliance.

8. 116 Upland Avenue – Compliance Discussion – enclosure of deck – DEP File #239-824

- Owner/Applicant: Ilya Zvenigorodskiy
- Request: Vote on plan to bring site into compliance.
- Jurisdiction: BLSF
- Issue Summary:
 - The site is 4 feet below the flood elevation.
 - The applicant intended to have lath enclosing his deck and incorporated it in the cut and fill calculations
 - The Commission intended to preclude all enclosure and wrote that into the OOC special conditions.
 - The Commission didn't have a policy defining enclosure when the OOC was issued and applicant installed his lath.
 - The Commission's policy allows limited enclosure but ensures ready throughflow.
 - The Commission has sought to bring the site into compliance with the policy.
 - 10/8/20 Conservation Commission meeting minutes excerpts:
 - 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.
 - 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.
 - 10/29/20 Conservation Commission meeting minutes excerpts:
 - Consensus: Commissioners agreed that staff should reach out to make the homeowner aware that the skirting on the all three porches must be removed or revised to fit the guidelines prior to the issuance of a Certificate of Compliance.
 - 1/7/21 Conservation Commission meeting minutes excerpts:
 - The Chair emphasized the need to allow water to flow freely from all sides.
 - Commissioners, after much discussion, expressed their frustration in the lack of a proposed technical solution by the homeowner and their interest in seeing resolution in short order or they will discuss issuing an Enforcement Order. They felt that they had been clear in what they were expecting to receive at this meeting and have offered a number of possible solutions.
 - Conservation staff and Commissioners reiterated to the homeowner that conditions in an OOC supersede information on the plans.
 - The Chair offered to speak with the homeowner offline and continue the discussion to a future hearing at which the homeowner will provide a technical solution.
 - Options recently discussed by Chair and the homeowners:
 - Remove bottom 6" board along the side (10') and back (16'), and change door to >50% open lattice.
 - Replace all boards leaving a 1.5" gap between.
- Presentation (Ilya Zvenigorodskiy) and Discussion:
 - The homeowner detailed his site visit with the Commission chair. The proposal is to remove the bottom board and "lattice" the door.
 - Staff feel that the bottom board on all sides should be removed in order to allow unrestricted hydraulic flow and get as close to 50% (overall) open space as possible.
 - The Chair brought up the earlier suggestion of 1" gaps between the lath but feel that this solution does not provide additional benefit over the bottom board removal due to the probable height of floodwaters. Commissioners stated that by this logic, the lattice replacement for the door does not serve any benefit because the water will not access the top portion of the door.

- Commissioners feel that the side facing the brook needs to have the bottom board removed. Staff agree that the bottom board should be removed along the entirety of the enclosed areas and that the door should be replaced with 2" gap lattice.
- Commissioners did state that the homeowner could come in with a proposal for chicken wire or lath for the opened area for further safety measures.
- Consensus: The homeowner will remove the bottom boards and replace the door, as detailed in a memo to be issued by staff, no later than July 30th, 2021.

9. 145 Warren Street – COC – work never initiated – DEP File #239-833

- Owner/Applicant: David Oliveri, Civico Development Representative: John Rockwood, EcoTec, Inc.
- Request: Issue Certificate of Compliance.
- Jurisdiction: Buffer Zone
- Presentation (John Rockwood) and Discussion: The applicant's representative confirmed that site, which now has a new OOC (#239-882), has had no work initiated and that the previously approved Order of Conditions should be closed out as "work never initiated".
- Vote: To issue a completed Certificate of Compliance as "work never initiated". [Motion: Susan Lunin; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 5:0:0]

10. MBTA Greenline – COC – tree cutting and removal – DEP File #239-785

- Owner/Applicant: Holly Palmgren, MBTA Representative: Jessica Rebholz, Jacobs Engineering Group, Inc.
- Request: Issue Certificate of Compliance.
- Jurisdiction: Buffer Zone, Riverfront Area, City Floodplain
- Discussion: This item was taken out of order after agenda item 13. The agenda then moved in order to adjournment. Staff site visit on 3/5/21 did confirm compliance.
- Vote: To issue a completed Certificate of Compliance. [Motion: Kathy Cade; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 5:0:0]

11. Connector Stairs between Upper Falls Riverwalk and Upper Falls Greenway – informal discussion

- Landowners: Parks, Recreation, & Culture; Oak Park Condos Applicant: Conservation Office Representative: Jennifer Steel
- Request: Determine whether an NOI should be file for stair construction or whether the work falls under the generic trails OOC.
- Jurisdiction: Buffer Zone, Riverfront Area
- Discussion:
 - Staff feel that the work could fall under "creating or rerouting a trail" and so be covered by the generic OOC, but that the scale of work involved (construction and grading for drainage swales), may exceed the intent of the generic trail OOC.
 - Below is the section (Section II) of the generic OOC special conditions that may apply to the stair construction.

SECTION II. Work which requires notification to and Administrative Approval by the Commission or Conservation Office, but which may not require a separate new Notice of Intent filing.

 - Creating or re-routing a trail
 - Installing boardwalks, stepping stones, and bog bridges
 - Improving, but not enlarging, existing parking areas (e.g., sealcoating or restriping paved lots, or regrading dirt lots)
 - Removing invasive exotic species from the buffer zone or Wetland Resource Area, provided the removal actions are in accordance with the procedures outlined in Appendix A).

Note: If the Commission determines that the nature or scope of the proposed activities may adversely impact wetlands, may require the filing of an NOI or RDA.
- Consensus: A Notice of Intent is appropriate for the stairs project and will be prepared for the 4/1/21 meeting.

II. CONSERVATION AREA DECISIONS

12. Orienteering on Flowed Meadow Conservation Area land – informal discussion

- Landowner: Conservation Commission Applicant: Parks, Recreation, & Culture Representative: Channon Ames
- Request: Determine whether a week-long temporary orienteering course(s) could be installed, advertised, and run.
- Documents Presented: Maps of the proposed courses will be distributed in advance of the meeting.

The location of this meeting/event 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/Section 504 Coordinator, Jini Fairley, at least two business days in advance (2 weeks for ASL or CART) of the meeting/event: 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.

- Presentation (Channon Ames) and Discussion:
 - This item was taken out of order after agenda item 9.
 - Staff provided a brief statement about their site visit with Channon Ames and that all staff concerns have been addressed.
 - Commissioners confirmed that this is a one-time only event. Staff and Channon confirmed.
 - Channon confirmed that only registered attendees will receive the maps for this event and that none of these maps will be posted online for general public access.
 - Staff asked that “Conservation Area” to the event title.
 - Commissioners raised some concerns about trail flooding if there is rain during the event. Channon clarified that because the event is a week-long people will likely choose drier days to participate.
- Vote: To approve the proposed temporary orienteering course at Flowed Meadow Conservation Area at the end of March to the beginning of April. [Motion: Dan Green; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 7:0:0]

13. Beekeeping on Conservation land

- Request: Determine if a policy (possibly to be an amendment to the Conservation Land Use Regulations) should be adopted to provide clear guidelines for licensing and managing beekeepers on Conservation parcels.
- Documents Presented: Draft policy
- Presentation and Discussion:
 - This item was taken out of order after item 12.
 - Staff walked the Commission through the two existing, licensed hive communities on Newton Conservation Areas at Norumbega and the Old Deer Park.
 - The license for Norumbega needs to be revised, since David Reilly transferred his hives to a new couple – not technically allowed in the license. The license for Old Deer Park is due to expire shortly and needs to be renewed.
 - Commissioner Ellen Katz provided an in-depth history of native bees in Massachusetts and the recent studies regarding conflict between honeybees and native bees.
 - The hives at Norumbega have multiplied with the new managers, and that issue does need to be dealt with.
 - The new policy does limit beekeeping to Newton residents only. Staff asked if there should be a grandfathering considered for Mark Lewis, the Old Deer Park beekeeper, as he is a Brookline resident. He does run an educational program related to the hives.
 - Commissioners and staff agree that there are three issues in front of us currently: whether to adopt the policy, how to deal with the license violators at Norumbega, and how to, if appropriate, grandfather in Mark Lewis.
 - The drafted policy address density of hives, number of hives, hive locations, and administrative processes.
 - Commissioners feel that this policy should be a living document and adapt to available science. There is some feeling that planting more native bee appropriate plants may be more beneficial than disallowing hives completely.
 - Commissioners asked for clarification if this policy limits the number of hives and staff clarified that it did.
- Public Comment:
 - Jay Werb – commented that there is a limit in this policy that prevents “out-yarding,” which is the practice of running out of space on your property. and asking others to host your bees. He did feel that the residency requirement is appropriate to avoid people “shopping around” for where to keep their bees, but he has no problem with one exception.
 - Alan Noguee – stated that he is in favor of not allowing any new hives on Conservation land and approving a policy to heavily restrict existing hives or even phase out existing hives. He provided a letter to staff earlier today and feels that, based on the research and expert opinions he has heard, if conservation is our goal, honeybees are not part of the equation. He feels that if hives are allowed, they should be adjacent to land being used for food growing (e.g., Nahanton Park with the community gardens). Private use of conservation land should not be detrimental to conservation purposes. After further discussion, the resident stated that he will be in attendance when hive requests come up before the Commission and that plantings (for native bee species) should be required with new hive requests to help mitigate competition.

- Vote: To approve the proposed policy, with one exception allowing Mark Lewis to retain some hives though he is not a Newton resident, regarding beekeeping on Conservation land. [Motion: Susan Lunin; Second: Kathy Cade; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 7:0:0]

14. Upper Falls Riverwalk – Final Name

- Request: Vote on the final name for the current “Charles River Pathway.”
- Discussion: After some further offline discussion with relevant community partners, the final proposed, new name for Charles River Pathway is the Upper Falls Riverwalk. Staff have identified and forewarned those who would need to modify publications.
- Vote: To approve the new name of “Upper Falls Riverwalk” for the existing Charles River Pathway Conservation Area. [Motion: Kathy Cade; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 50:0]

III. ADMINISTRATIVE DECISIONS

15. Minutes of 2/18/21 to be approved

- Documents Presented: Draft minutes
- Vote: To accept the 2/18/21 minutes as edited. [Motion: Susan Lunin; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 5:0:0]

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

UPDATES

V. WETLANDS UPDATES

- Saco Street Condos: Staff met with condo trustees regarding the unpermitted tree cutting in Riverfront Area. Tree cutting within Riverfront Area was very limited. Trustees are aware of the boundaries and regulations. One tree that was considered a threat may have been cut without a permit. Jennifer will make a second site visit when all the snow has melted.

VI. CONSERVATION AREA UPDATES

- Houghton tree cutting: Tree Tech will conduct the work when weather and ground conditions allow.
- Orienteering on Conservation land: Jennifer went on a site visit in Flowed Meadow with Channon Ames on 3/4/21.

VII. ISSUES AROUND TOWN UPDATES

- The Energy Coach has been hired! Liora Silkes has joined the City team implementing the Climate Action Plan.
- Christina Street Bridge Feasibility Study: VHB will perform the feasibility study.
- Beekeeping in Newton: The Commission’s (draft) beekeeping policy may help inform larger discussions about regulating beekeeping on private property in Newton.

VIII. ADMINISTRATIVE UPDATES

- MACC: The Annual Environmental Conference is coming April 6-17 in a similar virtual format to the Fall Conference. Keep an eye out for more details and registration opportunities!

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

ADJOURN at 10:25pm. [Motion: Susan Lunin; Second: Judith Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Cade (aye), Katz (aye); Vote 7:0:0]