

# 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 22, 2021 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the April 22, 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](mailto:jsteel@newtonma.gov) and [crundelli@newtonma.gov](mailto:crundelli@newtonma.gov) with any questions about filings prior to the meeting or access to the meeting.



**Mayor**  
Ruthanne Fuller

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Planning &  
Development**  
Barney Heath

**Chief  
Environmental  
Planner**  
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**Conservation  
Commission  
Members**  
Kathy Cade  
Dan Green  
Judy Hepburn  
Ellen Katz  
Susan Lunin  
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## DECISIONS

### I. WETLANDS DECISIONS

- 26 Alba Circle – RDA – addition to single-family home for lap pool, new stairs from existing deck**
  - Owner/Applicant: Amy and Scott Krentzman Representative: John Rockwood, EcoTec, Inc.
  - Request: Issue a DOA.
- 10 Cumberland Rd – cont'd NOI – reconstruction of sunroom/garage & new deck for single-family home – DEP File #239-884**
  - Owner/Applicant: David Chao Representative: Scott Goddard, Goddard Consulting, LLC
  - Request: Issue OOC.
- 288 Mill Street – NOI – additions onto a single-family home – DEP File #239-888**
  - Owner: Catherine Wells Applicant/Representative: Wayne McManus, MMC Construction
  - Request: Issue an OOC.
- 25 Moorfield Road – informal discussion – potential hardscape expansion**
  - Owner/Applicant: David and Donna Frieze Representative: Ted Smiley, Gregory Lombardi Design, Inc.
  - Request: Initial Commission feedback about proposed hardscape expansion.
- 10 Gambier Rd – minor plan change request– shed location – DEP File #239-608**
  - Owner/Applicant: Owen Hughes Representative: self
  - Request: Will Commission allow change from originally approved work (relocating shed) to allowing shed to remain in current location?
- 942-944 Watertown Street – Compliance Discussion – new duplex – DEP File #239-427**
  - Owner/Applicant: Janet Edsall Fields Representative: Stephen Fields
  - Request: Determine if deadline is needed for restoration plan submission.

### II. CONSERVATION AREA DECISIONS

- Beekeeping on Conservation Land – Discussion with Current Norumbega Beekeepers**
  - Landowner: Conservation Commission
- Kennard Conservation Area – Weir Structure**
  - Landowner: Conservation Commission

### III. ADMINISTRATIVE DECISIONS

- Minutes of 4/1/21 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

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](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

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## DECISIONS

### I. WETLANDS DECISIONS

**1. 26 Alba Circle – RDA – addition to single-family home for lap pool, new stairs from existing deck**

- Owner/Applicant: Amy and Scott Krentzman Representative: John Rockwood, EcoTec, Inc.
- Request: Issue a DOA.
- Documents Presented: Colored plans, site photos, draft DOA
- Jurisdiction: Buffer Zone
- Performance Standards:
  - **Buffer Zone. 10.53(1): General Provisions:** "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work."
- Project Summary
  - Demolish existing sunroom and remove existing patio.
  - Construct a ~850 s.f. addition onto existing single-family home. ~165 s.f. of the proposed addition is within Buffer Zone.
  - Construct a new set of stairs from the existing deck.
  - Stabilize disturbed areas with seed for lawn.
- Staff Notes:
  - Staff noticed during the pre-meeting site visit a recently cut tree stump (~10-12") just over the line on the adjacent lot. Staff have no record of approval for tree. The applicant should explain what they know of the removal and propose mitigation, if appropriate.
  - All construction access and stockpiling are proposed outside of the Buffer Zone, but if heavy equipment access will be required, the trees on the adjacent property should be protected with plywood over root areas.
  - Overall, the proposed project impact in buffer zone is negligible. ~100 s.f. of patio will be removed and restored to lawn to mitigate for the new construction (~165 s.f.).
  - The Commission should determine if any additional plantings are appropriate.
- Staff Recommendations: Vote to issue a negative 3 determination with the following conditions, if appropriate.
  - 2 native saplings shall be planted in the area of the southeastern corner of the lot.



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- Tree protection, in the form of plywood over the root areas, must be installed for the trees along the eastern property boundary.
- If any of the trees due within jurisdiction 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 – 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: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain (~45’ NAVD88 or 52’ CNVD)
- 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.”
  - **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 and for which certification is submitted by a registered professional engineer demonstrating that such building or structure shall not result in any increase in flood levels during the 100-year flood.
    - (b)(3) No order of conditions shall be issued under paragraphs (2)(b)-(2)(f) of this subsection unless it is demonstrated to the satisfaction of the conservation commission that the cumulative effect of the proposed project, when combined with all other existing and anticipated development, will not increase the water surface elevation of the 100-year flood at any point within the city.
- Project Summary
  - Reconstruct existing detached garage on existing foundation with no expansion of footprint.
  - Reconstruct sunroom on existing piers with no expansion of footprint.
  - Construct new deck (~15’ x 20’) accessible from the first floor and connected to the rear yard by a set of stairs (~4’ x 16’). Total new footprint is ~364 s.f. [Note: the new deck is closer than 50’ from BVW and so is not exempt.]
  - Regrade the area below the proposed deck to create appropriate compensatory storage.
  - Install 7 shrubs and 3 perennials.
  - Total fill installed = .25 cubic yards; Total compensatory storage provided = 1.3 cubic yards. An excess of 1 cubic yard of compensatory storage is being provided.
- Staff Notes:
  - The applicant submitted revised plans showing the City Floodplain, proposed compensatory storage, and mitigation plantings. The proposed screened in porch with deck (on footings) on top has been revised to just a deck with stairs to access the rear yard.
  - The applicant should clarify how the grading work in the rear yard is to be completed, as there is no machinery access from to the rear yard based on the ESC limits.
  - The applicant should provide a detail for the proposed footings for the deck.
  - The applicant should clarify how the regrading area under the deck is to be stabilized once grading is complete. As almost the entire area is under the deck and so heavily shaded, it may be best to use stone or ferns to stabilize rather than seed mix.

- Mitigation plantings have been proposed and include: 5 highbush blueberry, 1 sweet pepperbush, 1 sweet azalea, and 3 New England asters.
- Staff think that the proposed location for mitigation plantings will not contribute much to wildlife habitat value; they suggest plantings may be more appropriately installed behind the existing wooden wall and fence in the rear yard closer to the wetland.
- Staff Recommendations: If the questions above, and any others brought up during the meeting, are appropriately addressed, vote to close the hearing and issue an Order of Conditions with the following special conditions.
  - Landscape plantings within Commission jurisdiction must:
    - Stabilize all exposed areas.
    - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
    - Have a survival rate of XX% of total number of shrubs (after 2 growing seasons).
    - Have a survival rate of XX% aerial coverage of all other plants (after 2 growing seasons).
    - Mulch applications shall diminish over time and eventually cease as plants spread.
  - Compensatory flood storage must be provided in its entirety as per the approved plans and must be reflected in the as-built plans. Compensatory flood storage must be maintained in perpetuity.

**3. 288 Mill Street – NOI – 16' x 24' addition (plus second story additions) onto a single-family home – DEP File #239-888**

- Owner: Catherine Wells Applicant/Representative: Wayne McManus, MMC Construction
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, 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
  - Construct 384 s.f. addition at walk-out basement level, partially over existing raised landscape area.
  - Construct new first floor deck.
  - Construct 4'x 10' second floor addition.
  - Install 470 s.f. of mitigation plantings.
- Staff Notes:
  - New addition will require excavation, but there is no equipment access, so all work is proposed to be done by hand.
  - Concrete washout is proposed to be hand-pumped to the driveway area (which is outside jurisdiction).
  - A 470 s.f. mitigation area is proposed. Plan notes indicate that native species are intended, but no species list is provided for the plantings. Applicant should provide 2:1 mitigation (i.e., 768 s.f. of plantings) and should identify species, sizes, and locations of individual trees and shrubs.
  - Staff were concerned to see on their pre-hearing site visit that some work/stockpiling has already occurred within the Riverfront Area. Applicant should clarify the work listed below.
    - A new gravel pathway along the outside of the wooden retaining wall.
    - Unknown disturbance of the landscaped area within the wooden retaining wall.
    - A large pile of boulders to the west of the proposed addition.
    - Unknown disturbance of the lawn area along the western property boundary. Staff saw a large area of disturbed soil with no vegetation. It appears some invasive vines may have been removed.

- Staff feel that the mitigation planting area may be best located within the area of “unknown disturbance” mentioned above.
- Staff Recommendations: Await applicant response to questions above and a proposed planting plan.

#### 4. 25 Moorfield Road – informal discussion – potential hardscape expansion

- Owner/Applicant: David and Donna Frieze Representative: Ted Smiley, Gregory Lombardi Design, Inc.
- Request: Initial feedback from the Commission about proposed hardscape expansion.
- Documents Presented: Preliminary plans
- Jurisdiction: Buffer Zone, City Floodplain (all work is above the flood elevation), Conservation Restriction
- 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.”
  - **Conservation Restriction**
    2. Purposes.

The purposes of this Conservation Restriction are to ensure that the Conservation Restriction Area will be retained, in perpetuity, predominantly in its natural, scenic and wooded condition and to prevent any use of the Conservation Restriction Area that will significantly impair or interfere with the conservation values of the Conservation Restriction Area. The intent of the Conservation Restriction Area is to preserve the wildlife habitat and protect water quality between Hammond Pond and the structures to be located on said Lot 2.

- Project Summary:
  - The applicant is exploring an expansion of hardscaping in the rear yard, including a pool, additional patio space, deck space, and retaining walls.
  - The proposal indicates new hardscape, new lawn, and new walled planting beds.
  - The work proposed is just outside the 25’ Naturally Vegetated Buffer Zone and Conservation Restriction boundary.
- Staff Notes: The Commission should consider both the process of construction and the nature of/use of the final product.
- Staff Recommendations: Discuss the proposed work, then provide the owners/applicant team with guidance for a future filing.

#### 5. 10 Gambier Rd – minor plan change request– shed location – DEP File #239-608

- Owner/Applicant: Owen Hughes Representative: self
- Request: Determine if minor plan change request is approvable.
- Documents Presented: As-built plan
- 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.”

#### 6. 942-944 Watertown Street – Compliance Discussion – new duplex – DEP File #239-427

- Owner/Applicant: Janet Edsall Fields Representative: Stephen Fields
- Request: Determine if deadline is needed for restoration plan submission.
- Documents Presented: none
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Issue Summary:

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- The applicant had submitted a restoration planting plan for the lot, which included the action listed below, which was determined by the Commission to be insufficient mitigation.
  - 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.
- Staff Notes:
  - The applicant has stated that they are taking a harder look at their options and are not planning on submitting anything for this meeting.
  - In order to ensure that the site is returned to compliance, staff would like the Commission to determine if they feel a deadline for a plan submission is necessary.
- Staff Recommendations: Discuss the appropriate next steps to ensure the site is returned to compliance.

## II. CONSERVATION AREA DECISIONS

### 7. Beekeeping on Conservation Land – Discussion with Current Norumbega Beekeepers

- Landowner: Conservation Commission
- Documents Presented: Photos, draft licenses, list of plants for pollinators
- Staff Notes:
  - Alla and Vasyl Ohorilko are beekeepers at Norumbega (residents of Needham) who took over hives from David Reilly one year ago.
  - Currently have 4(?) surviving hives.
  - A new license must be created to reflect their names and hives.
  - Volunteers have continued doing great research and drawn a few preliminary conclusions.
    - Newton is a great place for pollinators.
    - Newton has a lot of forage that is very diverse. A study from Paris found that "honeybees tended to focus their foraging activities on managed rather than wild plant species, whereas wild pollinators equally visited managed and wild species." That suggests that on conservation land, which is mostly unmanaged, the native bees may forage on wild plants nearby, while the honeybees forage farther afield "managed species." [Honeybee communities are unique in the ability to find the best forage in a wide area.]
    - Newton's main constraint is "nesting quality" (for native bees), so if we protect the nesting resources on Conservation land, the native bees will likely have plenty of forage.
    - There is a legitimate concern that intensive commercial operations have negative ecological consequences.
    - There are beehives on private land all over Newton.
    - The 2 (to 6?) hives on two Conservation parcels is not of an intensive commercial scale/density, is not adding significantly to the total number of hives in the area, and given the diversity of forage, competition is likely low.
    - Long-tongued bumblebees are especially in decline, but honeybees are not particularly long-tongued and are generalist feeders and so do not compete for forage of interest to long-tongued bees, particularly in an environment with a lot of other forage that is preferable for honeybees.
    - One study noted: "the degree of competition may depend on overall resource availability, having significant effects on wild bees in contexts where resources are scarce, such as homogeneous landscapes, but insignificant effects during periods of high resource availability or in heterogeneous landscapes."
    - During the summer "dearth" of forage, competition between honeybees and bees increases. This is a justification for requiring beekeepers (and encouraging homeowners) to plant species that bloom in the summer.
    - A single mature tree can provide as much pollination capacity as an entire acre of flowers. The Conservation parcels in question have many mature trees.
- Staff Recommendations:
  - "Meet" the beekeepers, understand their interests for this season and going forward.
  - Determine a pathway to bring the parcels into compliance with the new policy.

- Review and approve the draft license(s), if appropriate.

#### **8. Kennard Conservation Area – Weir Structure**

- Landowner: Conservation Commission
- Documents Presented: email from abutter, photos
- Staff Notes: Determine whether this is an issue the Commission wishes to pursue.

### **III. ADMINISTRATIVE DECISIONS**

#### **9. Minutes of 4/1/21 to be approved**

- Documents Presented: Draft 4/1/21 minutes
- Staff Recommendations: Vote to accept the 4/1/21 minutes.

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

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## **UPDATES**

### **V. WETLANDS UPDATES**

- Risk Tree Assessment Protocol: Staff will develop a field notes sheet to make consistent our evaluation of “risk trees.”
- Saco Street Condos: One tree that was considered a threat may have been cut without a permit. Jennifer will make a second site visit soon.
- 630 Walnut Street: Builder apparently cut trees on PRC land near Bullough’s Pond.

### **VI. CONSERVATION AREA UPDATES**

- Houghton tree cutting: Tree Tech will conduct the work at the end of April, weather allowing.
- Orienteering on Conservation land: The Flowed Meadow/Auburndale event was a great success drawing in 31 groups representing 93 individuals! The Eagle Scout is due to install the Kennard course April 24<sup>th</sup>, weather allowing.
- Steps at Norumbega: The Eagle Scout is due to install steps from the river up to the new trail shortly.
- Martin trail and poetry path: Steward Julie Leavitt is due to do a trail sprucing up in advance of posting poems shortly.
- Stairs from the Greenway to the Riverwalk: New contractors are being explored for a summer installation.

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

- Christina Street Bridge Feasibility Study: The introductory video and survey have garnered lots of responses (over 200!).
- ACROSS trails ground-truthing effort update.
- Climate Action Plan implementation continues.

### **VIII. ADMINISTRATIVE UPDATES**

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

## **ADJOURN**

26 Alba Circle

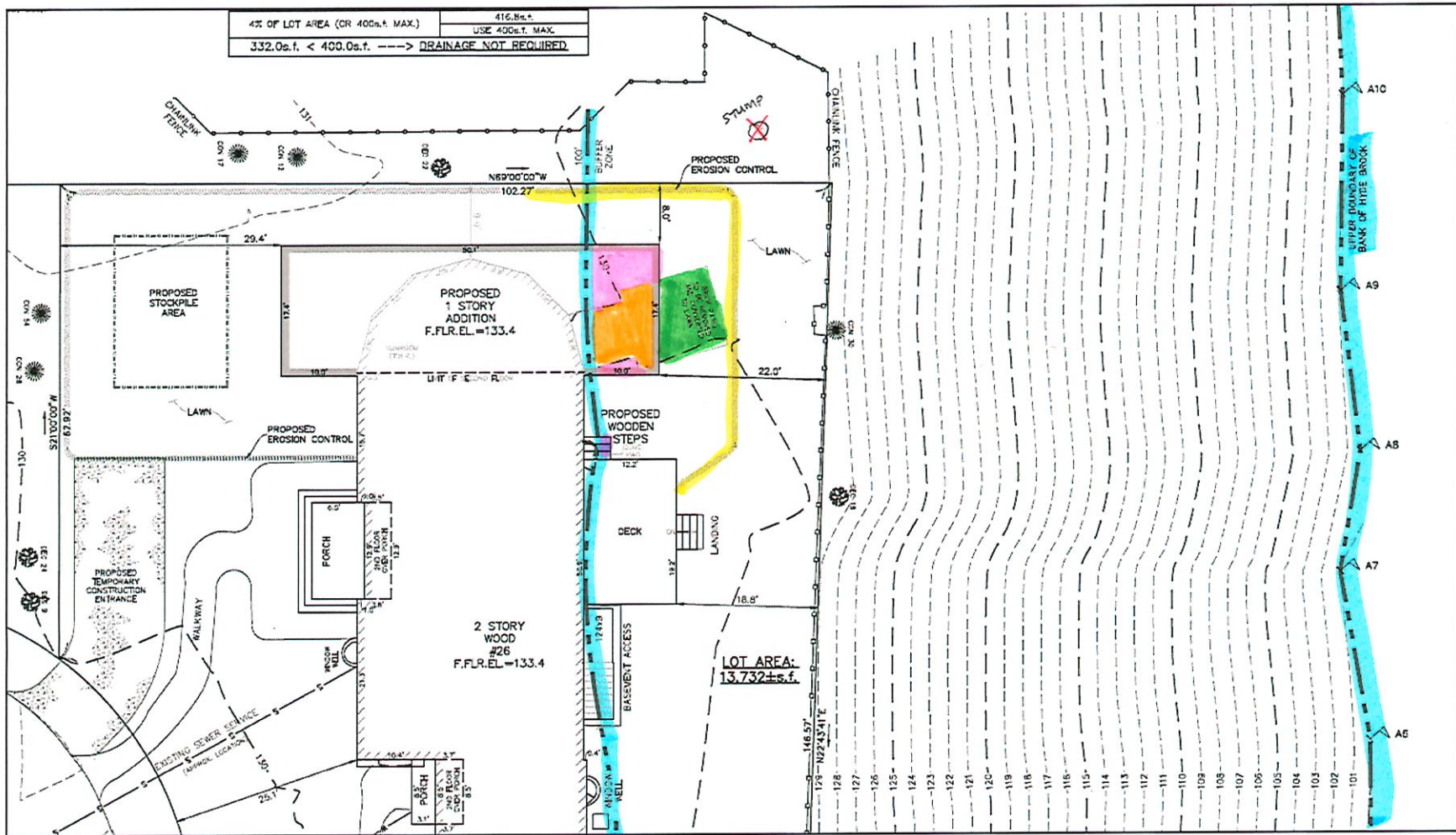
Aerial



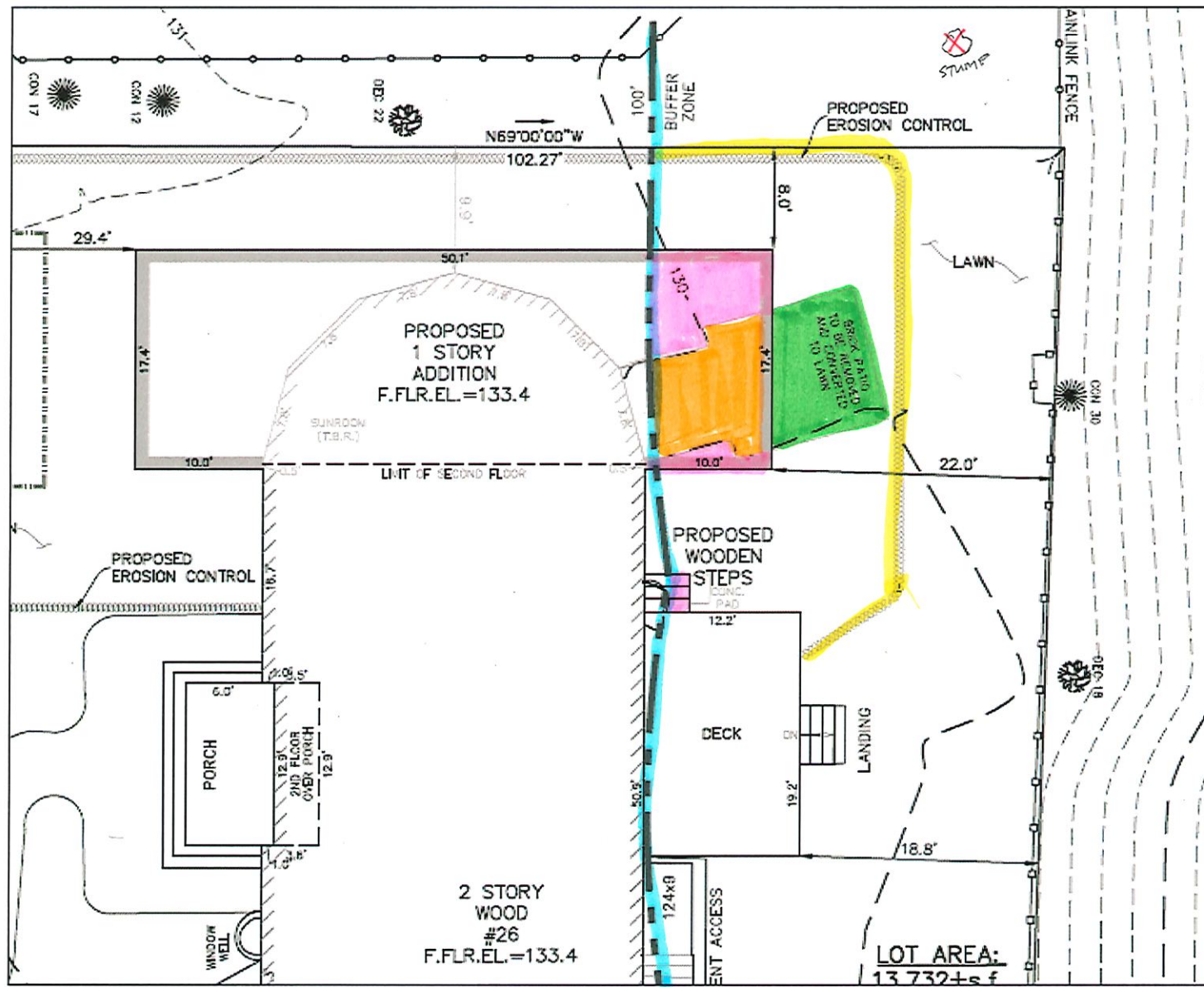




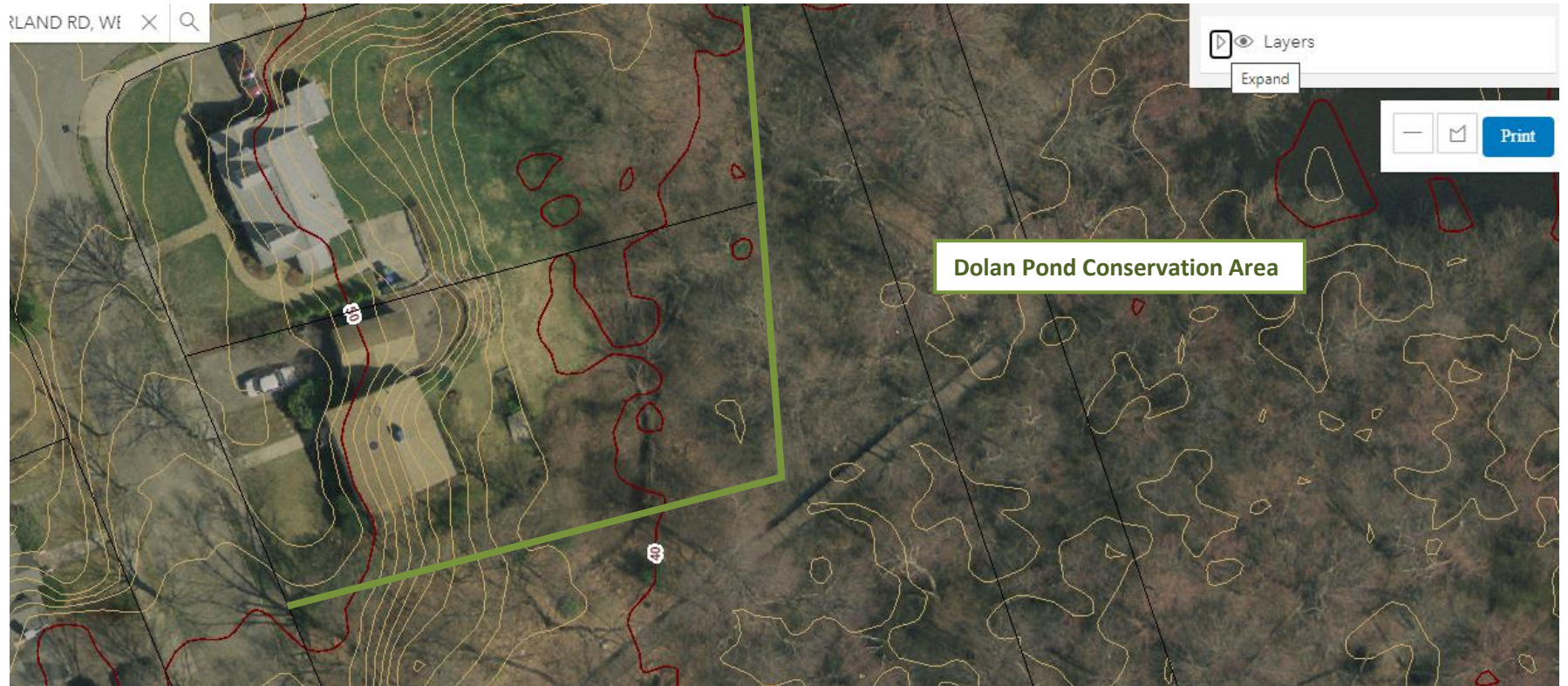
26 Alba Circle -- Proposed Conditions

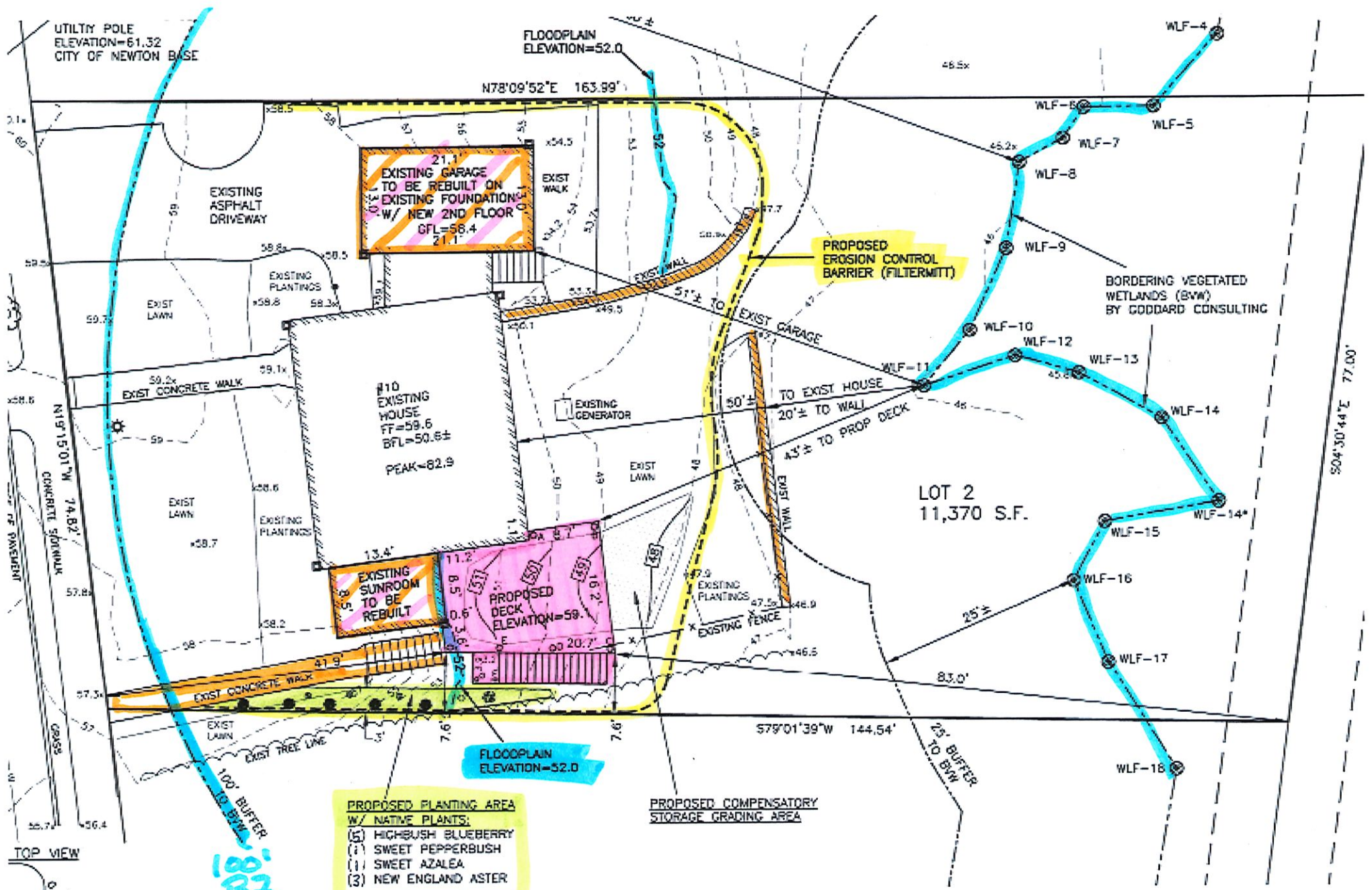


26 Alba Circle -- Proposed Conditions



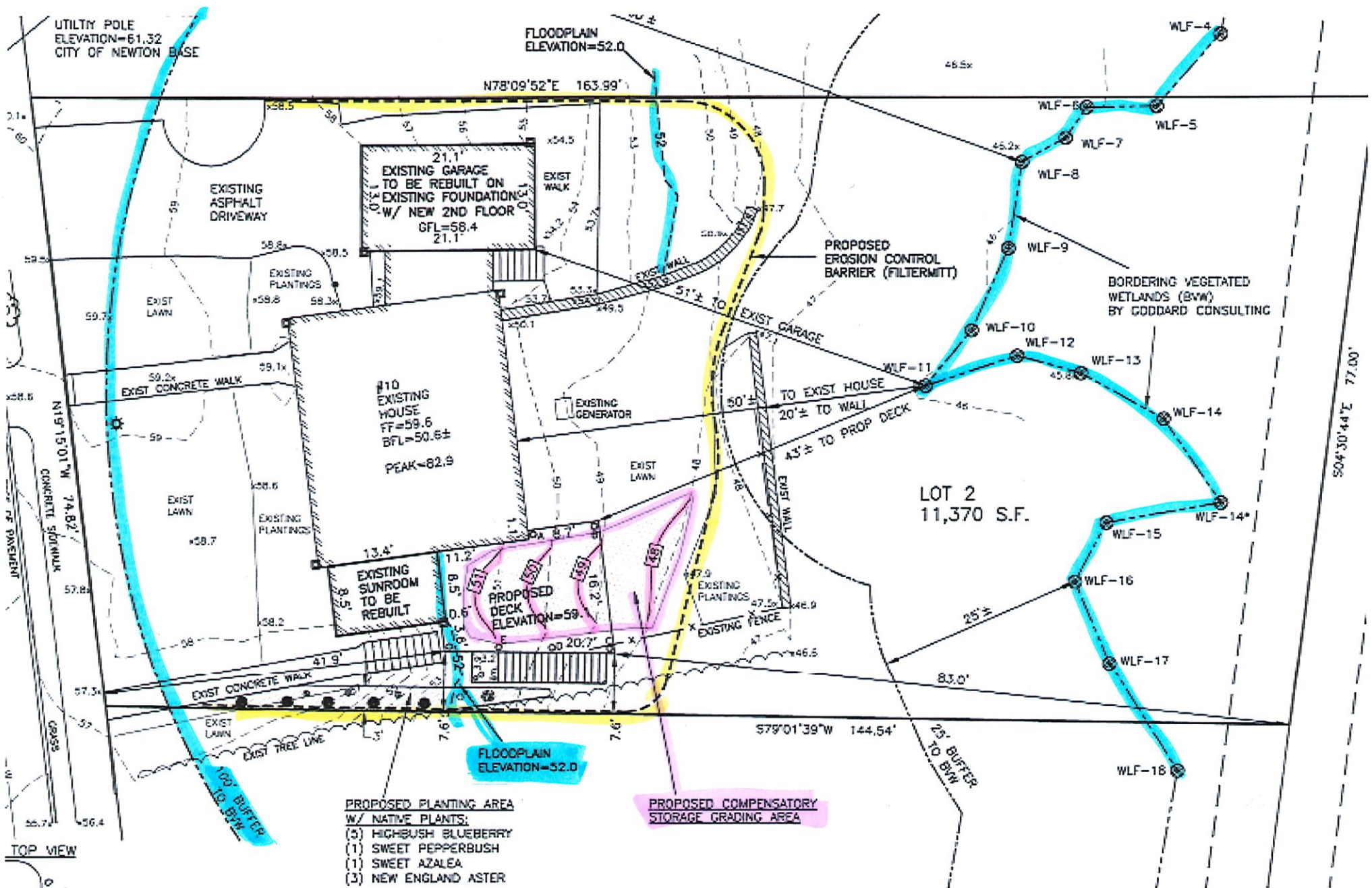
10 Cumberland Road





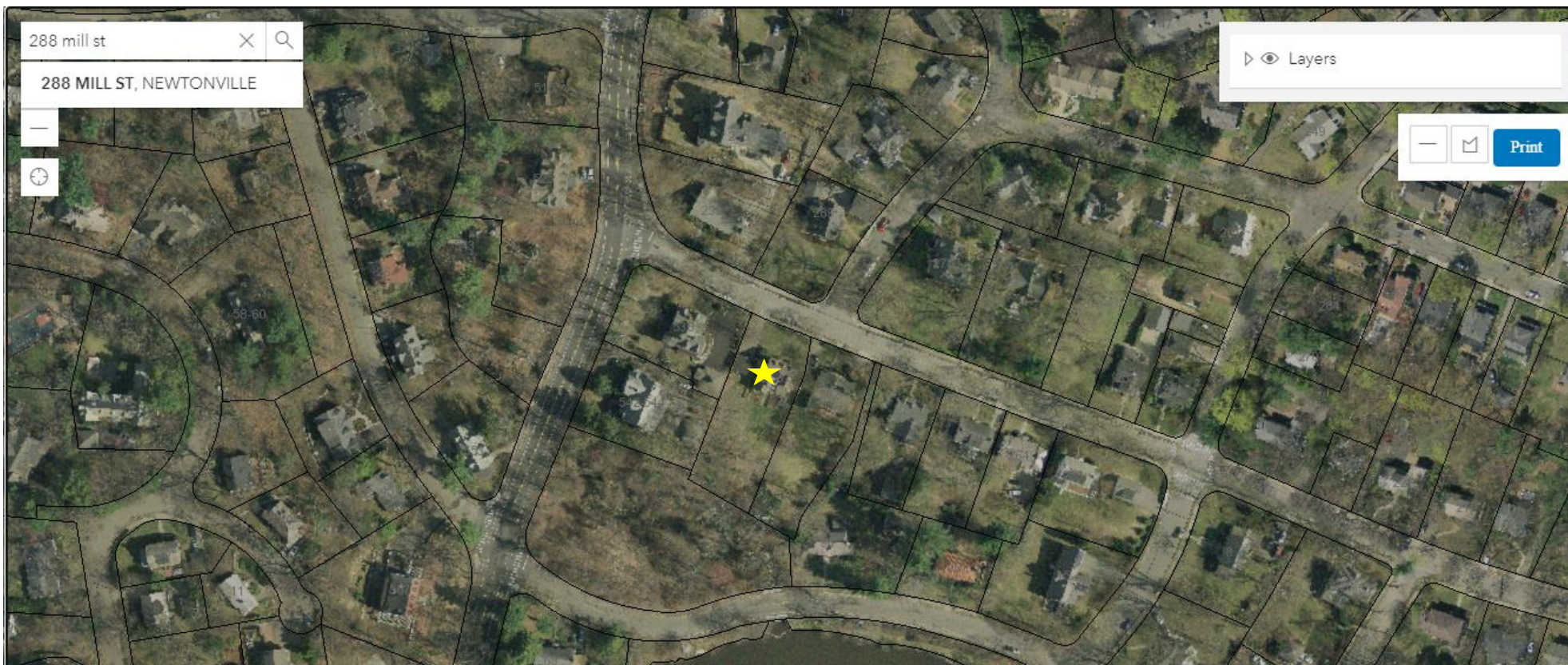
- PROPOSED PLANTING AREA  
W/ NATIVE PLANTS:
- (5) Highbush Blueberry
  - (1) Sweet Pepperbush
  - (1) Sweet Azalea
  - (3) New England Aster

TOP VIEW  
100' BUFFER TO STREAM  
100' 100'



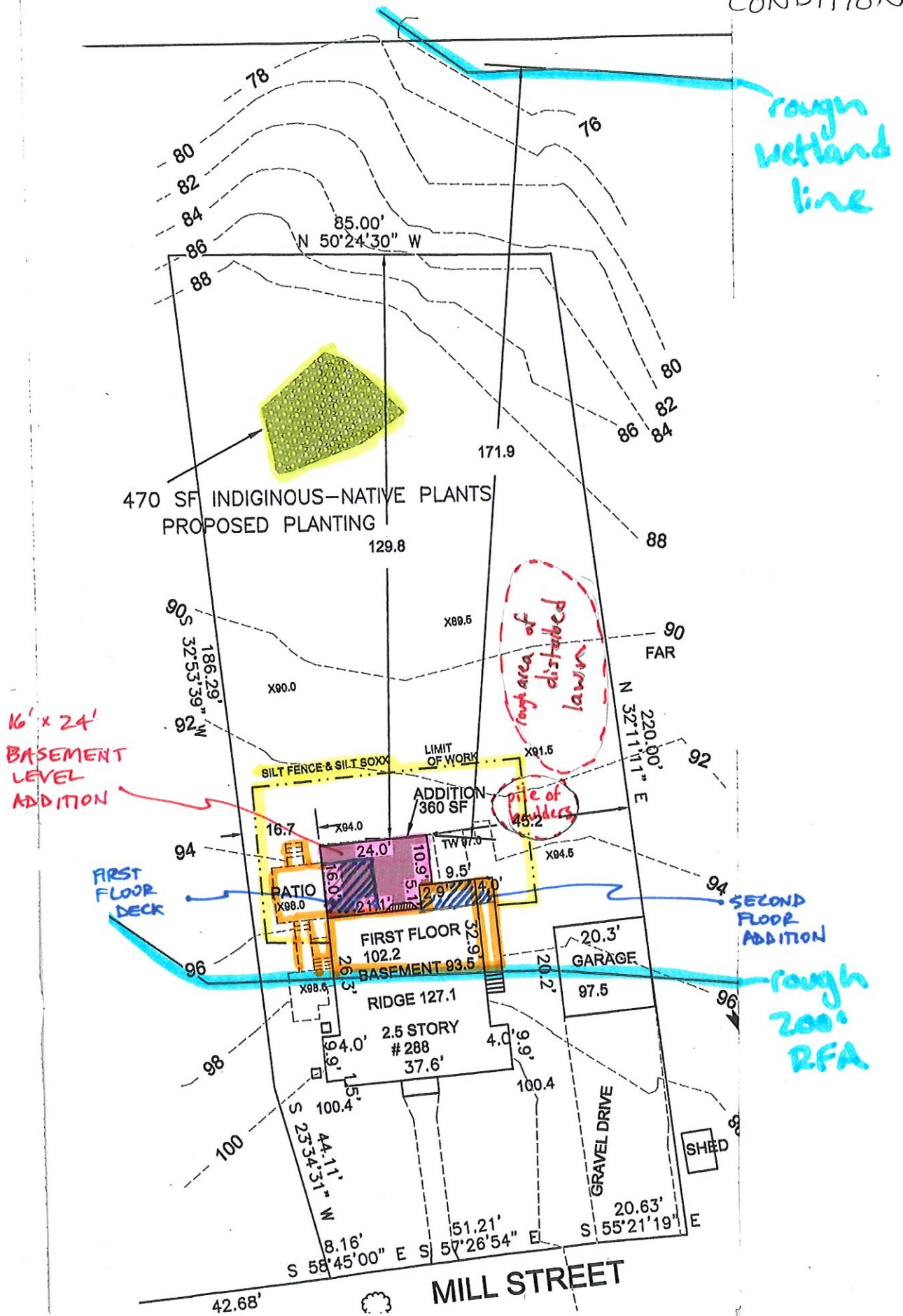
288 Mill St

Aerial



288 MILL STREET

PROPOSED CONDITIONS



for 4/22/21





8-12

288 MILL ST - PROPOSED CHANGES

SINGLE FAMILY RENOVATION  
288 MILL STREET NEWTON, MA

Mark Terry, Registered Architect  
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DRAWING TITLE:  
ELEVATIONS  
AND BUILDING  
SECTION

DATE: 10/2/19

CONSTRUCTION SET  
ISSUED FOR PERMIT 8/10/2020

PROJECT No. C.020.2019

SHEET No.

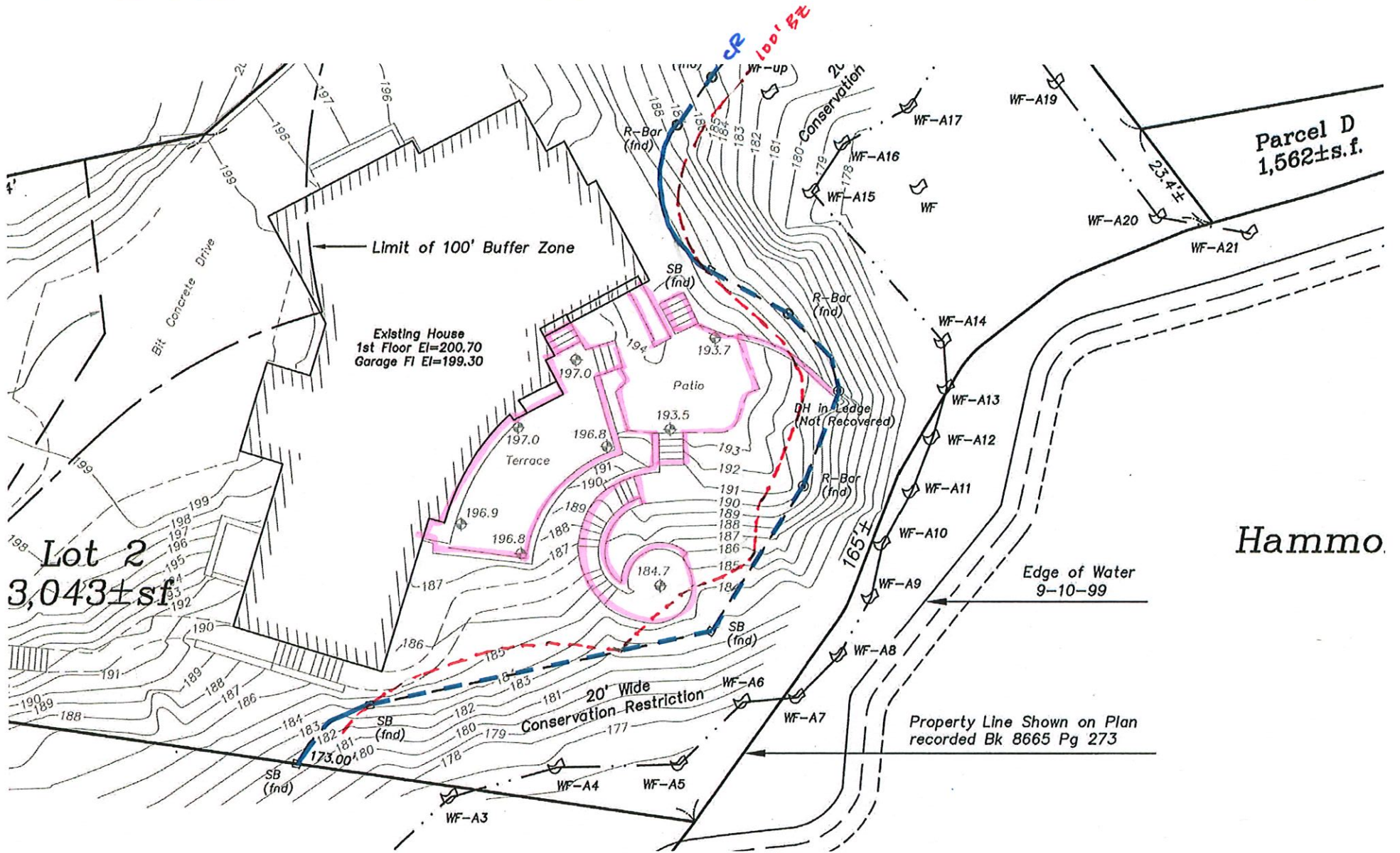
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1 SOUTH ELEVATION  
SCALE: 1/4"=1'-0"

25 MOORFIELD ROAD - EXISTING CONDITIONS

a.

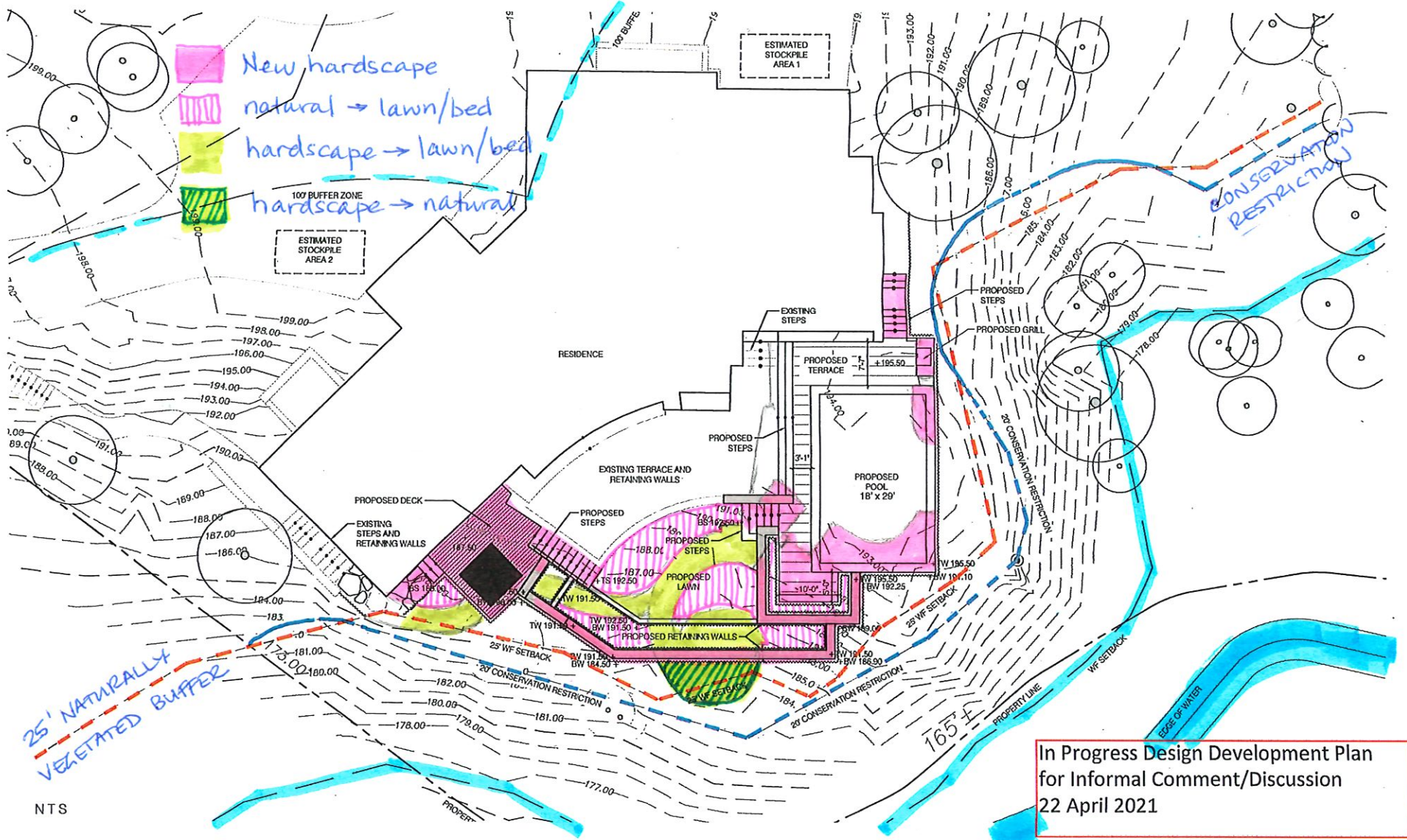


GREGORY LOMBARDI DESIGN  
*Landscape Architecture*

Existing Site Conditions  
Private Residence

25 MOORFIELD ROAD - PROPOSED CHANGES

b.

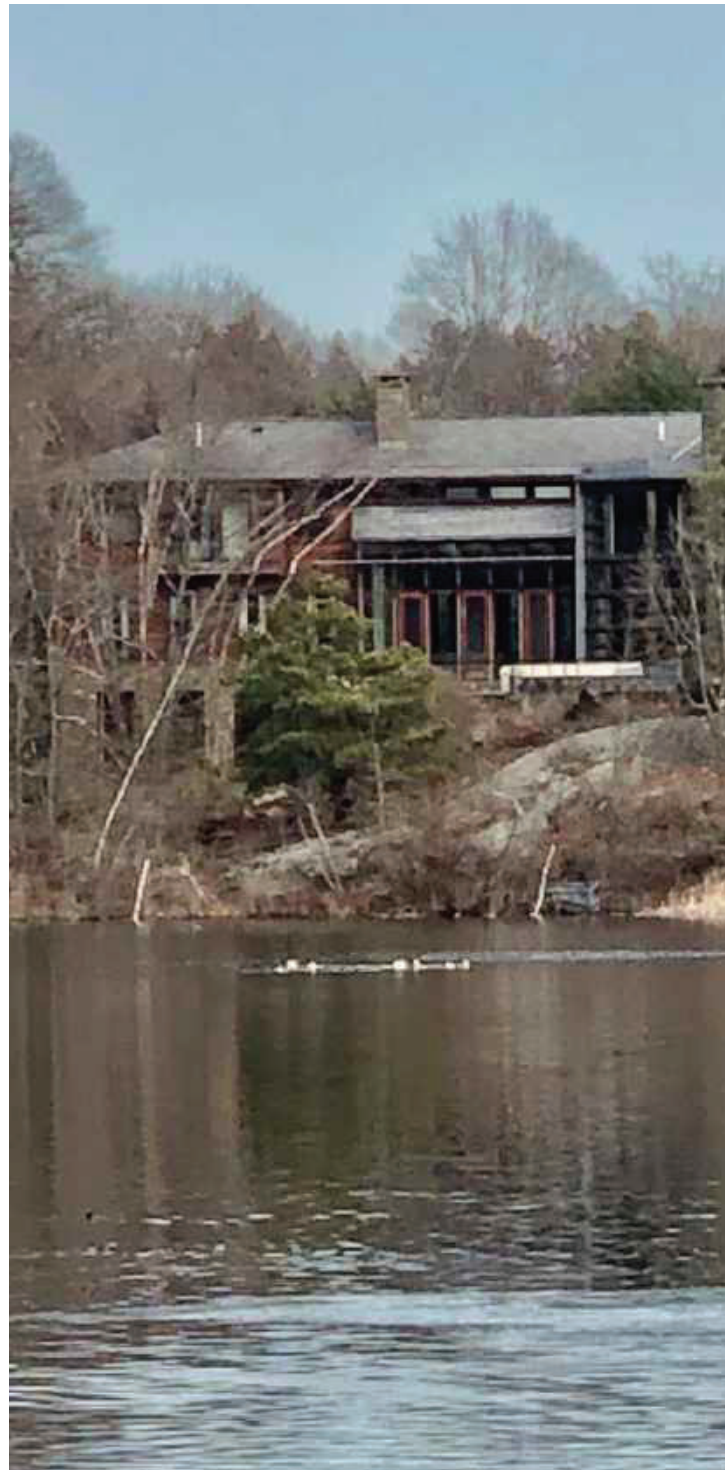


In Progress Design Development Plan  
for Informal Comment/Discussion  
22 April 2021

GREGORY LOMBARDI DESIGN  
*Landscape Architecture*

Master Plan  
Private Residence

HAMMOND POND



View of Site Looking Across Pond

Existing Rear Patio



Existing Rear Patio & Slope to Pond

Google Earth Imagery of Site





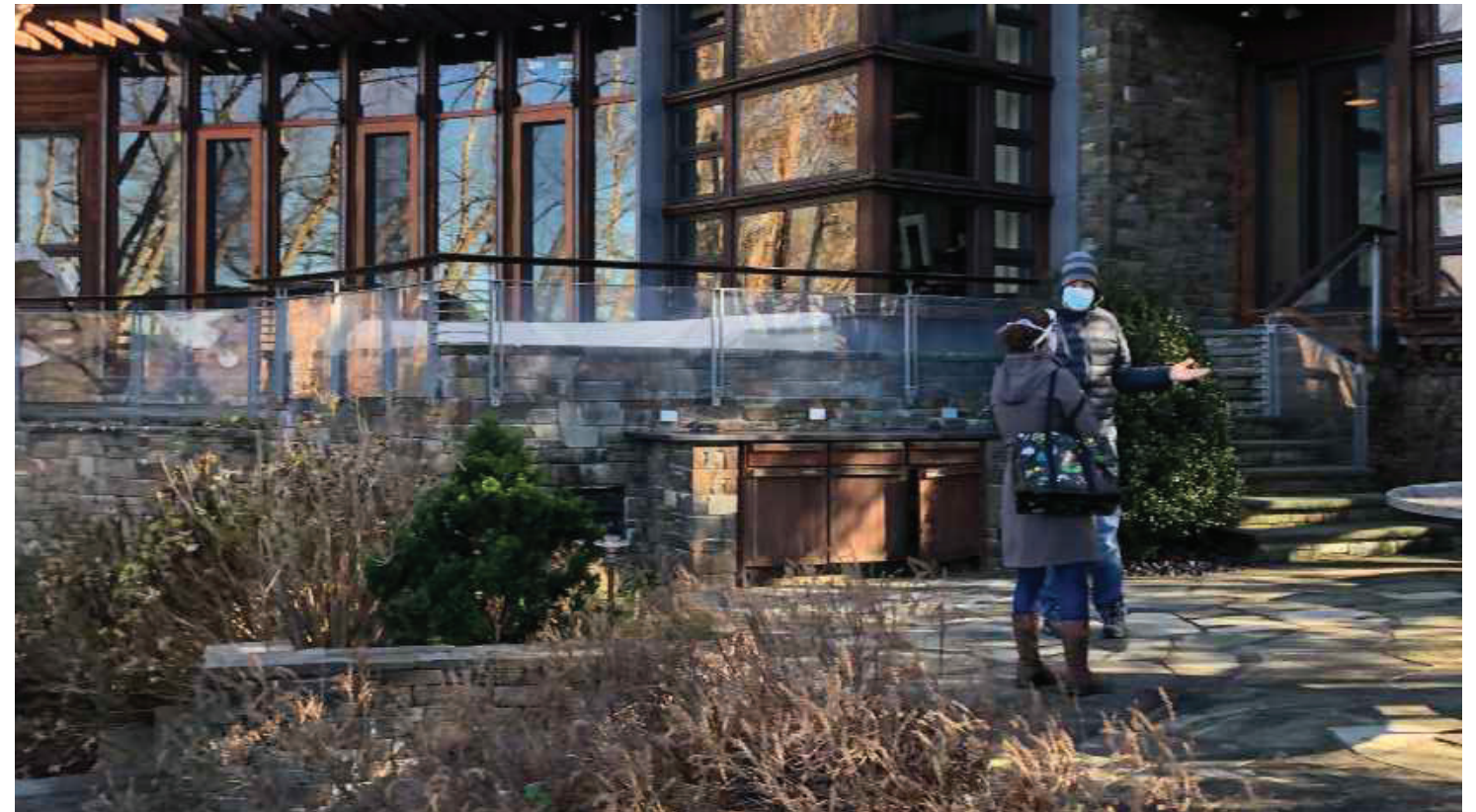
Existing Grill Station



Existing Upper Terrace



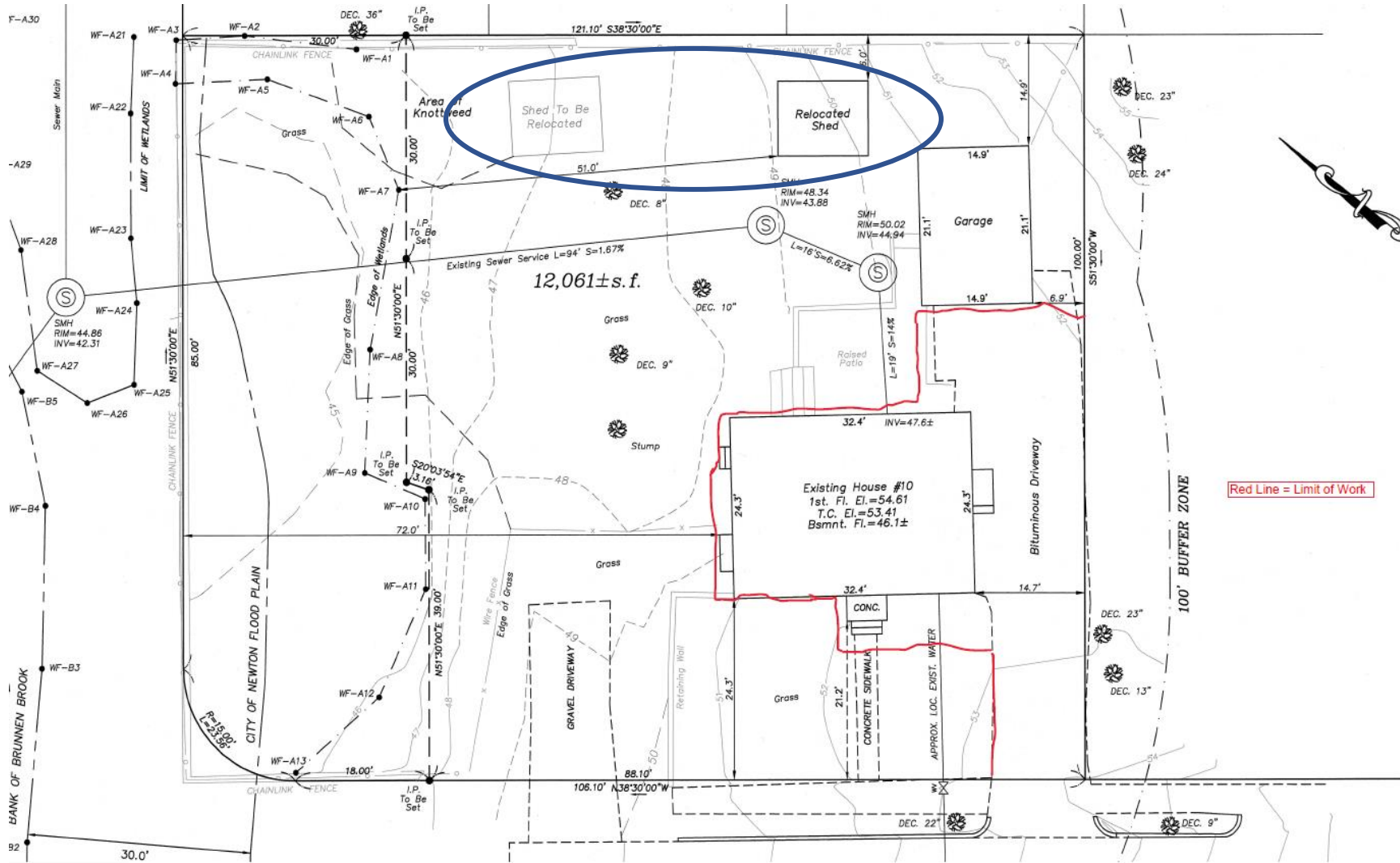
Existing Steps to Lower Patio with Firepit

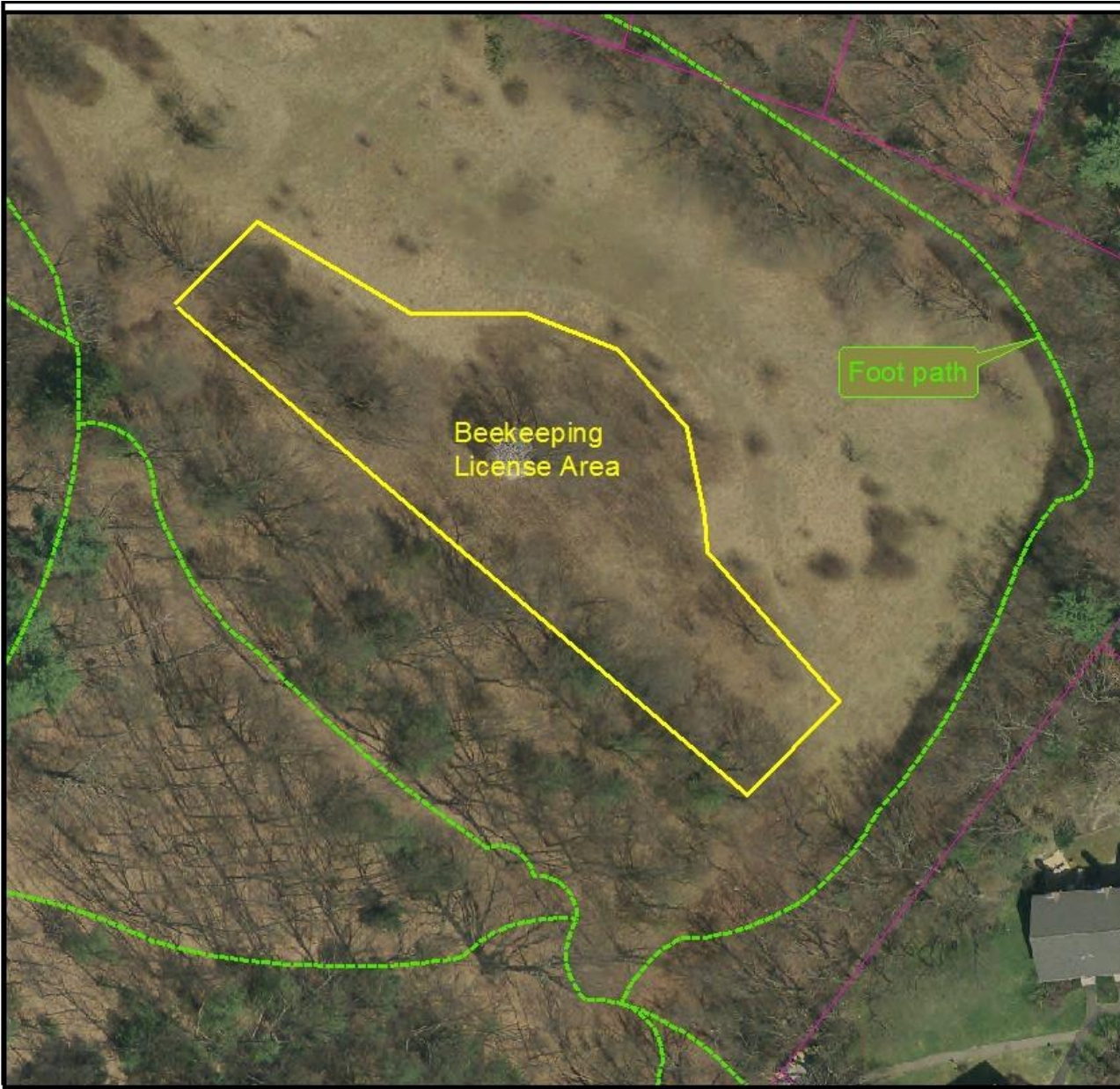


Existing Upper Terrace & Rear Patio

10 Gambier – Minor Plan Change Request (in blue)

Administrative Approval (in red) for ONLY interior work, dormer work, and front porch work within the limit of work shown on plan





Map Date: October 15, 2016



Newton, Mass.

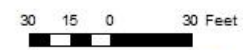
Exhibit B

Beekeeping License Area

Norumbega Conservation Area

Foot path

Beekeeping License 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 - Seth D. Warren  
GIS Administrator - Douglas Greenfield

**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 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, Vasyly and Alla Ohorilko of \_\_\_\_\_, experienced beekeepers (“Licensees”), propose to construct and maintain beehives 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 Norumbega Conservation Area and shown in Exhibit A, hereby grants a license to Licensees to enter upon and maintain in the Licensed Area up to four (4) 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 beehives. Licensee shall seek and obtain approval for the text of the signs prior to posting.
3. Licensees agree 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. Licensees 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.
4. Licensees shall maintain no more than six (6) full-size honeybee hives upon the Licensed Area, unless otherwise agreed upon in writing by the Parties. Licensees 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.
5. Licensees agree to operate and maintain said hives in full compliance with the “Newton Conservation Commission Policy -- Apiaries on Newton Conservation Land -- Approved March 11, 2021” at all times and in all regards, including but not necessarily limited to: (1) Eligibility, (2) Application, (3) Non-Transferrable License, (4) Registration and Inspection, (5) Apiary Location, (6) Apiary Design, (7) Apiary Installation, (8) Colony Density, (9) Water, (10) Maintenance and Best Practice Requirements, (11) Education and Community Awareness, and (12) Prohibitions.
6. Any other or additional activity by the Licensees on the Property may be conducted only with the prior written approval of the Commission.



7. During the term of this License, Licensees release the City from all claims and suits for damages, injuries, losses and costs by Licensees, their 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 Licensees in connection with the beehives. Licensees further agree 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.

8. This License Agreement shall be in full force and effect as of the date executed below and shall continue for **one (1) year**.

9. 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 Licensees.

10. 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.

**LICENSEES:**

\_\_\_\_\_  
Vasyl Ohorilko

\_\_\_\_\_  
Alla Ohorilko

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

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\_\_\_\_\_

**APPROVAL:**

\_\_\_\_\_  
Ruthanne Fuller, Mayor

\_\_\_\_\_  
Date

Approved as to legal form and character:

\_\_\_\_\_  
Assistant City Solicitor

**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 of \_\_\_\_\_, 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 agrees to post signs at the trail entrance into the Deer Park noting the presence of beehives. Licensee shall seek and obtain approval for the text of the signs prior to posting.
4. Licensee shall maintain no more than six (6) 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.
5. Licensee agrees to operate and maintain said hives in full compliance with the “Newton Conservation Commission Policy -- Apiaries on Newton Conservation Land -- Approved March 11, 2021” at all times and in all regards, including but not necessarily limited to: (1) Eligibility, (2) Application, (3) Non-Transferrable License, (4) Registration and Inspection, (5) Apiary Location, (6) Apiary Design, (7) Apiary Installation, (8) Colony Density, (9) Water, (10) Maintenance and Best Practice Requirements, (11) Education and Community Awareness, and (12) Prohibitions.
6. Any other or additional activity by the Licensee on the Property may be conducted only with the prior written approval of the Commission.
7. 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.

8. This License Agreement shall be in full force and effect as of the date executed below and shall continue for **one (1) year**.

9. 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.

10. 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.

11. 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:**

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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**APPROVAL:**

\_\_\_\_\_  
Ruthanne Fuller, Mayor

\_\_\_\_\_  
Date

Approved as to legal form and character:

\_\_\_\_\_  
Assistant City Solicitor

## Suggested plant species across the season for a pollinator garden for specialist bees

Specialist bee plants underlined and listed first, then generalist pollinator plants. Choose plant species that fit the light, soil, available space and hardiness conditions for your chosen site. The resource section of this guide can provide contact information to those that can provide that information.

Plant Type & Season (letters refer to diagram)	Full or Mostly Sunny	Part to Full Shade
<b>A. Tall Shrub or Tree</b>	<u>Cornus<sup>Spr</sup></u> , <u>Ilex opaca<sup>Spr</sup></u> or <u>Ilex verticillata<sup>Spr</sup></u> , <u>Sambucus<sup>Sum</sup></u> , <u>Amelanchier<sup>Spr</sup></u> , <u>Carpinus<sup>Spr</sup></u>	<u>Rhododendron<sup>Sum</sup></u> , <u>Cornus<sup>Spr</sup></u> , <u>Ilex opaca<sup>Spr</sup></u> , <u>Amelanchier<sup>Spr</sup></u>
<b>B-C Lower shrub</b> , i.e. if A is a tree, use medium - tall shrub; if A is a tall shrub, use short-medium shrub	<u>Azalea calendulaceum<sup>Sum</sup></u> , <u>Ceanothus<sup>Spr</sup></u> , <u>Physocarpus<sup>Spr</sup></u> , <u>Rosa<sup>Sum</sup></u> , <u>Hypericum prolificum<sup>Sum</sup></u>	<u>Ilex glabra<sup>Sum</sup></u> , <u>Sambucus<sup>Sum</sup></u>
<b>D-F. Spring blooming</b> perennials or short-medium shrubs; use varying heights for interest	<u>Coreopsis</u> , <u>Viola</u> , <u>Sanguinaria</u> , <u>Aquilegia</u> , <u>Phlox stolonifera</u> or <u>P. subulata</u>	<u>Geranium maculatum</u> , <u>Packera aurea</u> , <u>Uvularia</u> , <u>Viola</u> , <u>Heuchera americana</u> , <u>Tiarella sp</u> , <u>Phlox divaricata</u> , <u>Aquilegia</u>
<b>G-K. Summer blooming</b> perennials or short-medium shrubs; use varying heights for interest	<u>Hibiscus moscheutos</u> , <u>Zizia</u> , <u>Penstemon</u> , <u>Cirsium pumilum</u> (biennial), <u>Monarda fistulosa</u> ( <u>M. didyma</u> if moist), <u>Heliopsis helianthoides</u> , <u>Helianthus decapetalus</u> , <u>Lysimachia ciliata</u> , <u>Rudbeckia</u> , <u>Phlox paniculata</u> , <u>Pycnanthemum</u> , <u>Oenothera biennis</u> or <u>O. fruticosa</u> , <u>Potentilla</u> , <u>Eutrichium purpureum</u> , <u>Allium cernuum</u>	<u>Hydrophyllum</u> , <u>Zizia aurea</u> , <u>Monarda didyma</u> , <u>Lysimachia ciliata</u> , <u>Helianthus divaricatus</u> & <u>H. decapetalus</u> , <u>Campanula americana</u> (biennial), early blooming <u>Actaea</u> , <u>Thalictrum pubescens</u> , <u>Eupatorium sessilifolium</u>
<b>L-Q. Fall blooming</b> perennials or short-medium shrubs; use varying heights for interest	<u>Symphyotrichum</u> : <u>S. novae-anglia</u> or <u>S. patens</u> , <u>S. laeve</u> , <u>S. pilosum</u> var. <u>pringlei</u> ; <u>Solidago</u> : <u>S. nemoralis</u> , <u>S. juncea</u> , <u>S. patula</u> , <u>S. sempervirens</u> , <u>S. ulmifolia</u> , <u>S. rigida</u> ; <u>Pycnanthemum</u>	<u>Eurybia divaricata</u> or <u>E. macrophyllum</u> or <u>E. shreberi</u> , <u>Solidago caesia</u> or <u>S. flexicaulis</u> , late blooming <u>Actaea sp.</u> ,
<b>R. Grass</b> (most are med-tall)	<u>Sorghastrum nutans</u> , <u>Schizachryum scoparium</u> , <u>Andropogon gerardii</u> , <u>Dicanthelium</u> (has both short and medium species)	<u>Elymus hystrix</u> or <u>E. riparius</u> or <u>E. virginicus</u> or <u>E. canadensis</u>

3/31/21

To: Ted Kuklinski, President, Newton Conservators

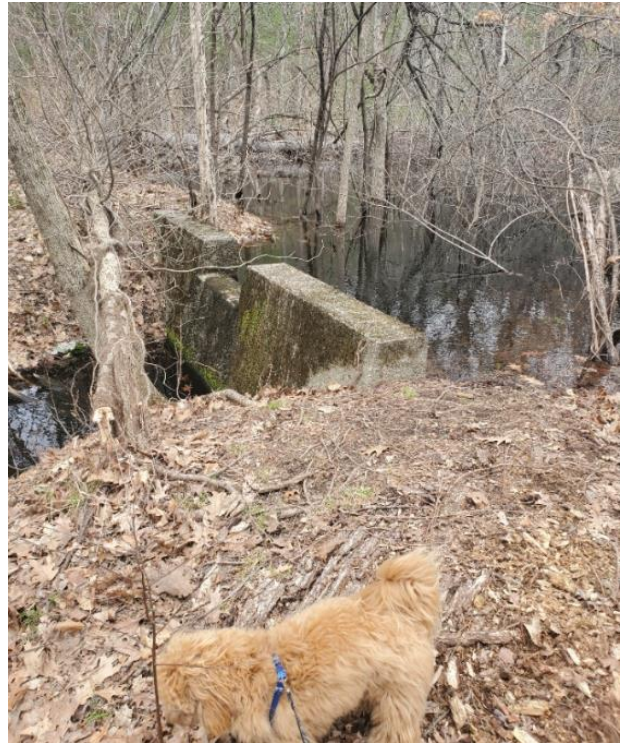
From: Michael Newman [michaelarinewman@gmail.com](mailto:michaelarinewman@gmail.com)

Greetings Ken & Newton Conservators,

I wanted to thank you for the great stewardship of the Kennard Conservation Park. It's been an import place for my family since we moved to Audubon Dr. in 2004. My kids have grown up walking every inch of this park and I enjoy taking our dog there daily for walks.

The purpose of this email is linked to Newton's focus on reducing risk off EEE from mosquitos. There is a man made dam placed here over 40yrs ago which elevates the marsh area. I was wondering if it would make more ecological sense to remove that dam, let the water flow naturally, and reduce EEE risk to the area.

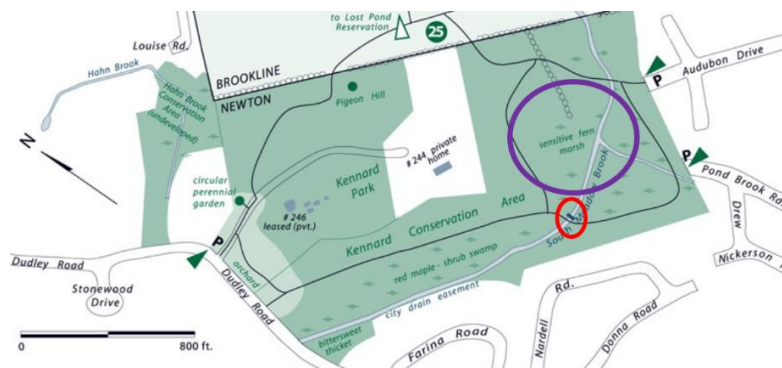
Let me know what you think as I believe restoring things to their natural state always comes with environmental dividends. See picture below with the dam in "red" which makes the marsh area in "purple" much larger than natural.



Michael A. Newman

86 Audubon Dr, Chestnut Hill, MA 02467

617.308.8370



3/31/21

To: Michael Newman [michaelarinewman@gmail.com](mailto:michaelarinewman@gmail.com)

From: Jennifer Steel

Thanks, Michael.

Just now, our office does not have the "bandwidth" to study the hydrologic and ecological history of the site, assess the short- and long-term ecological ramifications of dam removal, undertake permitting

(if/as appropriate), and undertake removal itself (if/as appropriate). But you raise an interesting question, and one that should be considered when the Commission assesses its goals for land management.

Just out of curiosity, was that picture taken very recently? I just received a call from a resident noting higher than usual water in that area. In your photo, the water is below the "weir" notch in the photo, as it was when I was out a month and a half ago.

Thanks,  
Jennifer

---

Monday, 4/12/21  
To: Jennifer Steel  
From: Michael Newman [michaelarinewman@gmail.com](mailto:michaelarinewman@gmail.com)

Hi Jennifer,

Thank you so much for the note. Shortly after we connected, I took the attached pics on April 1st when the water was very high and almost over the bern. Ironically, 48hrs later it dramatically receded. I believe someone may have unclogged the dam area and most of the wetland dried out within 48hrs. Perhaps directed by someone on this email?

For contact with the conversation Commission, I'd ask consideration why it is necessary to have a dam in this location at all. The wetland area is protected by the Kennard trust and the dam simply raises the water line in the area. Bringing the natural flow of the creek back to its original state assists with marsh preservation and with less standing water, the EEE threat to park guests and neighboring residents will be reduced.



If there's value to the wetland by preserving the dam, I'd love to know those benefits and if warranted would support them. And while a review of this request requires many stakeholders + time, it might be easiest to go into the Kennard archives and seek to understand when and why the dam was installed in Kennard Park to begin with. That may unlock the mystery and why it's even there to begin with.

Thank you for your support as we strive to make things better in our community. LMK if you'd like a more formal memo to raise this issue.

-Michael

# CONSERVATION COMMISSION MINUTES

Date: April 1, 2021

Time: 7:00pm – 10:49pm

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

<https://us02web.zoom.us/j/83200507162>

**With a quorum present**, the meeting opened at 7:00pm with Dan Green presiding as Chair.

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

**Members Absent:** none

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

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

## DECISIONS

### I. WETLANDS DECISIONS

#### 1. 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 surface (~3" of stone dust and fill) and resurface ~1185' of existing with ~3" of stabilized stone dust (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 with stabilized stone dust 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 in Flood Zone.
  - 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
- **NOTE: relevant 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
- **Presentation (Luis Perez Demorizi) and Discussion:**
  - PRC staff provided an overview of the area and of the multiphase improvement project for both Auburndale Park and Lyons Field trails. The overall goal of Phase I of this work, which is being discussed tonight, is to create an accessible path and overlooks from the "bath house" south to "the main intersection". The main goals of Phase II will be to create an accessible path and address drainage issues closer to Lyons Field.
  - Conservation staff stated that with the project as described and with the proper documentation of the cut/fill work



**Mayor**  
Ruthanne Fuller

**Director  
Planning &  
Development**  
Barney Heath

**Chief  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
Environmental  
Planner**  
Claire Rundelli

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

1000 Comm. Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142

[www.newtonma.gov](http://www.newtonma.gov)

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: [fairley@newtonma.gov](mailto:fairley@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.

in the flood zone, the project does uphold the interests of the Act and fall within the thresholds of the Generic Trails OOC.

- Commissioners asked for clarification on where the new bench is being proposed. PRC staff stated that the new bench will go in the longest of the 4 overlook loops.
- Commissioners asked about how the trail work will impact tree roots, as they are quite dense in this area. PRC staff stated that they have been and will be working very closely with the Newton City Forester to ensure that there is minimal impact to the surrounding trees. Conservation staff added that the work may actually serve to better protect the tree roots by covering the top of existing.
- Commissioners asked if there was a preferred time of year for the work to occur to ensure limited impact on wildlife. Conservation staff stated that due to the high foot traffic and the compact trails, there will be little added impact. PRC staff stated that the preferred temperatures for setting the stabilized stone dust and the cessation of summer camps would require work to occur in late August/early September, and that work would take 1-2 weeks.
- Commissioners asked how the stabilized stone dust would hold up in the flood zone. PRC staff clarified that there are additives to bind the stone dust into an erosion-resistant surface. The trail on the adjacent DCR parcel closer to Waltham is surfaced with the same material. Commissioners who live in the area stated that they have never actually seen flooding in this section of trails.
- Vote: That the proposed work qualifies under Generic Trails OOC for approval without a Notice of Intent. Staff will issue a project memo to PRC staff. [Motion: Kathy Cade; Second: Leigh Gilligan; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]

**2. 28-30 Riverdale Avenue – cont'd NOI – renovate existing structure, construct new building and centralized parking – DEP File #239-887**

- Owner/Applicant: 28-30 Riverdale Ave LLC Representatives: Lar Greene, McCarty Engineering, Brian Marchetti McCarty Engineering, Teresa Jones, Owner Representative, and Miriam Tuckman, Owner's Project Manager
- 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 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.
- Presentation (Lar Greene, Brian Marchetti, Teresa Jones, Miriam Tuckman) and Discussion:
  - The applicant's representatives provided an overview of the site, currently used as a contractor yard, and the proposed redevelopment work.
  - Staff raised concerns about the limited location of the erosion controls in the northeast corner of the site. The applicant's representative stated that they would be happy to extend the ESC and would send revised plans showing that.
  - Commissioners asked if the proposed pea stone trench was to be mounded. The applicant's representative stated that it will be level with or slightly depressed from the parking lot level to accept surface runoff. The applicant's representative clarified for the Commission that almost all drainage will be entering the infiltration chambers below the parking lot. Only a small triangle of the lot, in the northeast corner, will sheet flow off the site towards the planting area, but will hit the pea stone trench before exiting the site. Commissioners asked why that corner of lot could not be pitched to drain into the catch basins, to protect the resource area from vehicle fluid leakages. The applicant's representative stated that because of how shallow the chamber system is and how close that area is to the flood elevation, it was not possible to pitch the drainage that way. This area does drain to the pea stone trench prior to leaving the site.

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- Commissioners and staff asked if a 21E evaluations has been done on this site. The owner’s representative stated that when the owner purchased the property, they did a full Phase I evaluation of the site, that nothing reportable was found, and no remediation was required. Staff suggested that a condition should be included to detail how contaminated soil will be dealt with should it be found during work or during the test pit work required by Engineering to determine Estimated Seasonal High Groundwater (ESHGW).
- Staff are concerned that the proposed snow storage areas are not large enough 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. The applicant’s representative stated that they would be willing to incorporate a clause into the site’s operation and maintenance plan to ensure that any volume of snow that exceeds the storage areas must be trucked off-site. Commissioner’s stated their concern about pushing snow onto the DCR land. Staff and the applicant’s representative clarified that there is a fence along the property line there and that the vegetated area is intended to serve as a buffer. Staff also stated that they had drafted a condition requiring signage along the various snow storage areas.
- There was some discussion about the ownership of the undeveloped portion of Riverdale Ave, and whether there is any planned use by the owners of 15 Riverdale for their 40B development. The owner’s representative stated that there was not shared ownership, as far as they were aware, and that they had offered to “open” the street to allow public access to the river. [Note: After the meeting, staff verified that there is 15 feet of proposed parking and snow storage for the 40B development into the 40-foot right-of-way.
- A Commissioner noted that one of the proposed plant species was “*Spirea japonica*.” The applicant’s representative thought it may be a native cultivar, but will check when they are revising the plans and will swap the species out for a native spirea if it is not.
- Commissioners asked if the owner is planning to landscape any of the paper street, but the applicant’s representative confirmed that they are planning no landscaping work outside their property boundaries.
- Commissioners agreed with staff’s suggestion for an additional tree in the northeast planting area. The applicant’s representative stated that they want to ensure that a tree would not impact the pea stone trench, but they would put an additional tree back from the edge of the parking lot. This will be included on the revised plan.
- Vote: To close the hearing and issue an Order of Conditions with following special conditions once revised plans and a revised O&M plan.[Motion: Jeff Zabel; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]
  - A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
  - Engineering comment: Additional test pits should be dug or a monitoring well should be placed in the area of the recharge system to determine if the water level rises during the wet season. The Conservation Commission must be given the results of the test pit and Engineering’s review to ensure that the drainage system has adequate separation from the estimated seasonal high groundwater (ESHGW).
  - Erosion controls must installed along the full extent of the western, northern, and eastern property boundaries.
  - Since the site is tight and construction is due to take place so close to the property boundaries, construction period erosion control shall be entrenched reinforced Super Silt Fence or the equivalent. Since much of the site is paved, if at the beginning of the project, Super SiltFence cannot be entrenched, 12” compost sock may be installed as temporary erosion control.
  - If excavation proves necessary and dewatering is required, a dewatering plan designed to limit and control any adverse impacts on wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
  - Prohibitions include:
    - Damage to the two trees in the northeastern corner of the property.
    - Stockpiling outside the property limits.
    - Dewatering directly to a wetland resource area
    - Allowing concrete washout to flow into a storm drain.
  - If contamination is discovered in the course of demolition, site work, or construction, contractors shall ensure compliance with the Massachusetts Contingency Plan including notification and remediation as necessary. The owner or the owner’s representatives shall immediately notify the Conservation Commission so that it may impose conditions necessary to protect the wetland resource area.

- Landscape plantings within Commission jurisdiction must:
  - Stabilize all exposed areas
  - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
  - Have a survival rate of 100 % of total number of trees (after 2 growing seasons)
  - Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons)
  - Have a survival rate of 75 % aerial coverage of all other plants (after 2 growing seasons)
- If either of the two trees due to be protected 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).
- Compensatory flood storage must be provided in its entirety as per the approved plans and must be reflected in the as-built plans.
- The stormwater infiltration system must be installed as per the approved plans and must be reflected in the as-built plans.
- The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.
- Snow may not be stored within the planted bed along the northern property boundary or the central planted island. All snow removal contractors must be apprised of this condition and permanent signs so indicating shall be placed in each of these locations and reflected on the as-built plans.
- The approved Operations and Maintenance Plan (including snow management) is appended hereto and must be adhered to.
- Snow may not be stored within the planted bed along the northern property boundary or the central planted island.
- To protect wetland wildlife, exterior lighting shall:
  - be no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles.
  - be shielded to prevent any “up lighting” and “backlighting” (i.e., no emissions above 90 degrees or behind the fixture if that creates spill closer to the wetland resource area),
  - be focused to prevent any spill beyond hardscape or edge of maintained lawn or play areas,
  - have limited blue content to decrease skyglow and disruption of diurnal animals
  - be switched off when not in active use for safety
  - not exceed the illumination shown on the approved photometric plan sheet

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

- Owner/Applicant: Haim Senior and Nir Mamion, Concord Street Investments LLC Representative: John Rockwood, EcoTec, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Riverfront Area
- 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.
- Presentation (John Rockwood and Nir Mamion) and Discussion:

- The applicant’s representative provided an overview of the site and the proposed work. Revised plans had been submitted that addressed staff comments about driveway expansion clarity and expanding the mitigation planting area.
  - The applicant and their representative stated that they did not intend or desire to remove the tree. The Commission determined that while the owner may have rights to pursue legal action against his neighbor for removal of the 43” tree with shared ownership, the Commission should not seek mitigation for the removal from the owner of this site, who did not have a say in the removal.
  - Staff suggested sending a letter to the neighbor who removed the 43” tree, but, since the neighbor is 80 years old, the tree was 172 feet from the River, and the tree was believed to be owned by the violator, the Commission decided to let the issue go.
  - The applicant’s representative clarified that the large yew in the proposed mitigation area will be removed, making room for the proposed native plantings.
  - The applicant’s representative stated that the orange snow fencing to be used for the protection of the two trees in the front lawn will also protect the hemlocks in the mitigation planting area.
  - Conservation staff stated that a sapling could be added to the planting plan to provide some variety and help make up for the loss of the 43” tree. The Commissioners agreed and the applicant’s representative stated that they would add a 2” sapling to the planting schedule of 28 shrubs.
  - The applicant’s representative clarified that stone bounds are proposed on the inner corners of planting area, since the outer corners are defined by the (marked) property boundary.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Susan Lunin; Second: Judy Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]
- A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
  - The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent.
  - One additional native sapling of 2 caliper inches shall be installed in or near the bounded mitigation area.
  - Landscape plantings within Commission jurisdiction must:
    - a. Stabilize all exposed areas
    - b. Be installed in compliance with the approved plans (desired changes must be approved in advance)
    - c. Have a survival rate of 100 % of total number of trees (after 2 growing seasons)
    - d. Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons)
    - e. Mulch applications, if any, shall diminish over time and eventually cease as ground cover species and shrubs spread.
  - If either of the trees in the front yard shown as to be protected 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).
  - The required Riverfront restoration and/or mitigation area shall remain bounded and be maintained in perpetuity in its predominantly natural condition.
  - The approved Operations and Maintenance Plan is appended hereto and must be adhered to in perpetuity.

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

- Owner/Applicant: Zaid Ashai      Representatives: Andrew Gorman and Regan Andreola Beals and Thomas, Inc.
- Request: Issue an Amended OOC.
- Documents Presented: Colored plans, photos, draft AOO
- Jurisdiction: Buffer Zone
- Summary of Requested Changes:
  - The 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.
  - The applicant is requesting permission to use helical piles for the footings rather than sonotubes.
  - The applicant is requesting the addition of stone stairs from the lawn edge down the slope to the restored area below.

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- The 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.
- The 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.
- Presentation (Andrew Gorman and Regan Andreola) and Discussion:
  - The applicant’s representatives provided a summary of the requested amendment, explaining that the originally approved deck location did not meet the intent of the owners to have an observation deck that extended out over the slope.
  - The applicant’s representative stated that they are intending to switch from sonotube footings to helical piers, for less disturbance and quicker installation.
  - The applicant’s representative detailed that the stone steppers are due to be installed to allow the owners access to the planting area for maintenance. As there is a moderate amount of debris to be removed from the area where the stone steppers fall, and the steppers will provide some measure of stabilization.
  - Staff provided some background on the previous restoration plantings that were required under the enforcement action in 2002 and that were approved under the original OOC in 2020.
  - Staff asked for clarification on how the Norway maple saplings are proposed to be removed and if grubbing is proposed. The applicant’s representative stated that they were not planning on grubbing and had not yet considered chemical removal tactics. The Commission stated that they would be open to a cut and paint method for removal to address potential stump sprout. The applicant will explore this option. All herbicide work would be performed by a licensed applicator.
- Vote: To close the hearing and issue an Amended Order of Conditions with the following additional special conditions. [Motion: Jeff Zabel; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]
  - Removal of invasive saplings may be undertaken as part of the slope re-naturalization and planting effort. A “cut and paint” with herbicide technique may be employed.
  - Slope restoration must be executed as per the approved plans.
    - a. Soil amendments may be necessary and are encouraged and approved.
    - b. Loam shall be protected with appropriately pinned jute matting as detailed in the plans.
    - c. 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 approved plans (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: Dante Capasso for 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: the required 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)

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- Presentation (Conservation Staff, Dante Capasso, and Matthew Haney) and Discussion:
  - Conservation staff summarized the events that lead to the issuance of the Enforcement Order.
    - 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 that tree cutting had occurred and clean-up was continuing. Said tree cutting was within the 100-foot buffer zone, 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.
  - Dante Capasso stated that he was not aware of the tree cutting and did not issue permission for the removal of trees on their property. He is fine with the culvert being removed from the plans/project as long as such removal does not negatively affect their property. Dante Capasso stated that he has no vested interest in being a part of a project with Mr. Haney and would be happy to remove himself from the OOC if that were possible. Staff noted that since work has begun, the project (with Mr. Capasso as co-petitioner) can't be closed out as "never initiated" or as "complete".
  - Matthew Haney provided his summary of the events that lead up to the Enforcement Order. He stated that he dumped 30 cubic yards of gravel on his property outside the Buffer Zone. He stated that he had a tree permit. He stated that he just had the property surveyed and that survey indicated that 3 of the 4 cut trees were on 73 Beaconwood and not 77 Beaconwood; the only tree on 77 Beaconwood was the dead 18" tree, shown on the plans. He said that approved survey plans only showed the canopies, not the trunks. Matthew Haney stated that the trees that were removed were all dead or hazards and therefore cutting them should not be a problem.
  - The Commissioners asked that the property boundary issue regarding the trees be resolved by a licensed surveyor re-staking the lines and providing a stamped plan showing the tree locations. Matthew Haney stated that as soon as the surveyor returns, he will perform a new site survey and create a stamped plan. Dante Capasso requested that all shared property boundaries be confirmed.
  - The Commissioners stated that what is needed to move forward (and what will be required by an amended ratified Enforcement Order. is:
    - a stamped survey plan of the project site that confirms property boundaries,
    - staking of property lines and the 100-foot buffer zone in the field,

- installation of proper erosion controls along the 100-foot buffer zone line,
- determination of whether trees were cut on 77 Beaconwood Road, and a mutually agreed upon for a mitigation planting plan if they were, and
- a pre-construction site visit with all parties present.
- Staff expressed a concern that Matthew Haney does not intend to move forward with the project as it is currently designed, approved, and conditioned. The Commissioners asked for clarification on why the culvert was proposed and staff provided background on why the culvert was conditioned in the original project.
- The Commissioners stated that removing the culvert from the project, therefore removing the involvement from the 77 Beaconwood owner, would require either an amendment or a new filing.
- Matthew Haney stated that he would like the OOC to be voided, but staff stated that because work has been initiated (demo and tree cutting), it cannot be closed out as “work never initiated” or as “complete”.
- The Commissioners stated that it seems that this project is not going to move forward in as originally approved and that the onus is on Mr. Haney to determine how he wants to move forward.
- The Commissioners asked staff if the tree cutting could be addressed purely through the Enforcement Order, allowing them to close out the old OOC as “never initiated” and wait for a new RDA or NOI application for work in the Commission’s jurisdiction.
- The Commission and staff discussed how, if 77 Beaconwood land were no longer available for mitigation, a project on 73 Beaconwood would be received. It was determined that no such a determination (and no work) can occur until the Commission receives a new application.
- Staff feel that it is unfair to allow the drive at 77 Beaconwood to remain in its current denuded state. The Commission agreed that remediation of this area is necessary and, if the survey indicates that tree cutting occurred on 77 Beaconwood, mitigation plantings will be required in short order.
- The Commission stated that the Enforcement Order will remain in effect until the property(ies) on which tree cutting occurred can be clarified and appropriate mitigation can be determined.
- Staff commented that, to ensure no adverse impact on their property and that any tree cutting on their property is mitigated, the Capasso team should remain involved in all discussions until the EO has been lifted and a new project has been approved by the Commission.
- Matthew Haney stated that he is happy to submit a new filing and is anticipating submitting an RDA as the new filing. The Commission stated that he is welcome to file what he wishes, but the old Order will remain in effect until a new filing is received and that the Commission may require an NOI.
- Staff expressed concerns about accepting an application with an open Enforcement Order and an open OOC, and the Commissioners stated that we cannot prevent the submission of an application but that no application will be accepted until the EO has been closed out and a path to a solution identified.
- The Commission and the applicant determined that the stamped surveyed plans (confirming the tree cutting locations, showing the edge of the gravel line, and showing topography to determine if any of the dumped gravel is in the buffer zone), must be submitted for the 5/13/21 meeting, the materials deadline for which is 4/27/21.
- Matthew Haney stated that the Commission could not require things be surveyed outside of the Commission’s jurisdiction. Staff asked for clarification from Commissioner Gilligan. She stated that unless the Commission has reason to believe the fill had an impact on the wetland resource area, it cannot require survey beyond the bounds of wetland jurisdiction.
- Matthew Haney stated that 30 cubic yards of gravel were brought in; the Commissioners stated that they would like to see invoicing to confirm that.
- Staff summarized the requirements of the Commission:
  - A new stamped, dated, surveyed plan must be submitted by noon on 4/27/21 for the 5/13/21 meeting. That plan must show the following items.
    - Property lines
    - Tree locations
    - Edge of gravel
    - Topography of any graveled area within the buffer zone
    - A mitigation planting plan for the tree removal, should it be determined the cutting occurred on 77 Beaconwood

- Erosion controls must be installed along the 100-foot buffer zone line
- Permission from the owners of 77 Beaconwood must be received for any work on 77 Beaconwood and will need to be submitted with required materials
- The Commissioners asked for clarification about the noted street tree protection.
- Public Comment
  - Alan Nogee, President of Friends of Cold Spring Park, noted concerns raised by neighbors about the placement of the fill in potential turtle nesting area. He also mentioned how the City's lining of the sewers impacted the groundwater level in the area and asked whether wetland lines may have changed as a result. The Chair clarified that the applicant must provide delineation information and that the Commission must ensure that proposed work will not adversely impact the adjacent resource area.
- Vote: To ratify and amend the Enforcement Order issued by Conservation staff on 3/25/21 with the following requirements. [Motion: Susan Lunin; Second: Judith Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]
  - All work must remain stopped.
  - A stamped surveyed plan arranged and paid for Mr. Haney shall be submitted to the Newton Conservation Commission by both applicants on or before noon on April 27, 2021. The following information must be clearly illustrated:
    - Property lines and current ownership
    - Trees and tree stumps
    - Topography and the line of recently installed gravel within the Buffer Zone
    - The Buffer Zone line
  - Additionally:
    - Sediment fence must be installed (and entrenched) along the Buffer Zone line in 73 Beaconwood Rd.
    - If any of the cut trees originated outside the 73 Beaconwood Road property, a mitigation planting plan must be submitted.

**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.
- Discussion: Applicant has requested a continuation to the 4/22/21 meeting to finish plan revisions.
- Vote: To continue the hearing to the 4/22/21 Conservation Commission meeting. [Motion: Ellen Katz; Second: Jeff Zabel; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]

**II. CONSERVATION AREA DECISIONS**

**7. Beekeeping on Conservation Land – Discussion with Current Beekeepers**

- Landowner: Conservation Commission
- Documents Presented: memo from Mark Lewis, Mark Lewis's license, David Reilly's license, photos.
- Presentation (Mark Lewis) and Discussion:
  - Staff provided some brief background on the current situation, noting that we provided licenses to two beekeepers, Mark Lewis at the Old Deer Park, and David Reilly at Norumbega. David Reilly recently moved to Cape Cod and transferred his hives to Alla and Vasyl Ohorilko. Jennifer Steel failed to remember to ask the Ohorilkos to secure a new license.
  - Alla and Vasyl Ohorilko, beekeepers at Norumbega (residents of Needham) were not in attendance at this meeting.
    - Took over hives from David Reilly one year ago.
    - Currently have 4 surviving hives.
    - Need a new license under their names.

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- Mark Lewis, beekeeper at Old Deer Park (resident of Brookline) summarized his operations at the Old Deer Park
  - He had 2 hives that successfully overwintered.
  - 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.
  - Schools Mark is currently supplying: Boston Green Academy (BPS), Fenway High (BPS), Mission Hill (BPS), Hingham High, Boston Nature Center (Mass Audubon), Emmanuel College.
  - Interested schools: Lee Academy Pilot School (BPS), Blackstone Elementary (BPS), Mozart Elementary (BPS), British International School (Brookline).
  - He provides hives for a school year: September 2 - November 30 and April 10 - June 30.
  - Another reason Mark wanted to place the hives in this location was to deter further graffiti and vandalism.
- The Commission asked for clarification on the number of out yards Mark has. Mark stated that is his only set of hives but that he does take care of some other hives for client's.
- Mark Lewis is requesting to be allowed to maintain 8 colonies at the current location. He needs to supply schools with hive, and he needs to temporarily store hives for schools over the summer. Commissioners asked if 6 colonies would be enough, and Mark stated that he would be willing to work with whatever the Commission would allow and that he could make 6 work for his program. He said that 2 would not be enough because there he needs redundancy in hive populations to be able to repopulate the observational hives for the schools. Mark guarantees the schools that they will have bees at certain times of the year. Commissioners stated that they would not be comfortable with more than 6.
- Commissioner Katz offered to speak off-line with Mark regarding possible bee donors (to allow Mark to continue his school program with fewer hives at Old Deer Park).
- Mark stated that he would like to renew his license to allow 6 hives, which the Commission feels is appropriate. The Commissioners feel that fewer nucleus bee colonies is better, and Mark stated that his nucs would be temporary (only a few weeks). He stated that he could feed the nucs so that there would be limited foraging. He has been trying to keep his hive numbers down and even refused an additional hive last season during the drought. He also noted that he is willing and eager to assist in other ways (research, planting natives, etc.)
- Commissioners agreed that a license renewal would be for 6 hives for this "season" (April – August 2021), 6 hives will be maintained until July 2021.
- Staff will create a form to be used for a formal license request over the next few months for Mark and any other interested parties.
- Staff will reach out to the Ohorilkos and ask them to come to the next meeting.
- Public Comment:
  - Jay Werb stated that he feels, after hearing more about the proposal, that over the course of this coming year, a solution can be determined. He is concerned about a large number of hives. While the educational reasoning may justify a larger number of hives, there is a concern about competition.
  - Alan Noguee referenced his 2-page summary and 8 pages of notes that he submitted to the Commission. He supports native planting but feels it won't address the problem of competition (he stated that 1 acre of planting supports 1 hive or 100,000 native bees). He would like to see fewer hives on conservation land next spring (not next July). Ultimately, he would like to see zero hives on conservation land because of competition with native bees. Dr. Gegegar notes the ripple effect of the loss of native bees.
- Consensus: 6 hives can be maintained in the Old Deer Park, at their current location for the coming school season (i.e., through July 2021). A license renewal request must be submitted prior to July 2021. At that time, the Commission will ensure consistency with the new policy and will take a formal vote to determine the number of hives allowed under a new license agreement (starting July 2021).

## 8. Trailhead Signs

- Landowner: Conservation Commission
- Request: Vote on sample sign color palette.
- Documents Presented: Sample signs for Dolan Pond and Webster (east and west) Conservation Area
- Discussion: Commissioners felt that the sign colors were appropriate. They noted that the label at 300 Hammond Pond Park was incorrect and that the trails line type should be changed to look less crowded.

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- Consensus: To approve the proposed sign characteristics. [Motion: Susan Lunin; Second: Judith Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]

### III. ADMINISTRATIVE DECISIONS

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

- Documents Presented: Draft 3/11/21 minutes
- Vote: To accept the 3/11/21 minutes. [Motion: Ellen Katz; Second: Kathy Cade; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (abstain), Cade (aye), Katz (aye), Gilligan (abstain); Vote 5:0:2]

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

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## 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.
- DCR will be submitting an aquatic weed control NOI for the Lower Charles River 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.
- Upper Falls Riverwalk Stairs: Contract was never properly executed and so discussions with the anticipated contractor have ceased. We will be going back out to bid. Commissioner Katz noted that there may be an opportunity to raise funds for the project through the Friends of the Greenway.

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

### 10. PLPA

- Request: The Chair signs a letter in support of the new PLPA bill.
  - Discussion: This is an updated bill after the previous bill did not pass. The Commission voted to support the previous bill in 2019.
  - Consensus: The Chair has permission to sign a letter of support for the bill on behalf of the Commission.
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**ADJOURN** at 10:49pm [Motion: Judith Hepburn; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Katz (aye), Gilligan (aye); Vote 7:0:0]