

# CONSERVATION COMMISSION AGENDA

May 13, 2021

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, May 13, 2021 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the May 13, 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.

**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:** Times listed are estimates. Items may be taken out of order at the Chair's discretion. Discussions of wetland cases may be limited by the Chair.

1. (7:00) Congratulations – Ellen Katz has completed her Fundamentals Training for Conservation Commissioners through MACC!

## DECISIONS

### I. WETLANDS DECISIONS

2. (7:05) DRAFT Mitigation Planting Guidelines – initial review by the Commission
  - Request: Staff ask that the Commission to consider guidelines to streamline discussions and ensure mitigation requirements are consistent and ecologically valuable.
3. (7:15) Presentation – Connector Stairs at Norumbega – Eagle Scout Project
  - Owners: City of Newton Applicant: Alex Morefield
  - Request: Eagle Scout candidate Alex Morefield has completed his work at Norumbega Conservation Area and is looking for sign-off on his project.
4. (7:30) 1897 Washington Street (Woodland Golf Club) – RDA – irrigation system replacement
  - Owner/Applicant: Scott Kohr, Woodland Golf Club Representative: Brad Vinchesi, Irrigation Consulting, Inc.
  - Request: Issue a negative DOA.
5. (7:45) 330 Homer Street – NOI – Library parking lot improvements – DEP File #239-889
  - Owner/Applicant: City of Newton Representative: Scott Turner, Environmental Partners
  - Request: Issue an OOC.
6. (8:00) 17 Wayne Road – NOI – teardown/rebuild single-family home – DEP File #239-XXX
  - Owner/Applicant: Jamie Ovadia Representative: Joyce Hastings, GLM Engineering Consultants, Inc.
  - Request: Issue an OOC.
7. (8:20) 58 Everett Street – NOI – teardown/rebuild single-family home – DEP File #239-XXX
  - Owner/Applicant: Stefanos Efstratoudakis, Drachma Realty Trust Representative: John Rockwood, EcoTec, Inc.
  - Request: Issue an OOC.
8. (8:50) 453-455 Albemarle Road – NOI – teardown/rebuild duplex – DEP File #239-XXX
  - Owner/Applicant: Michael Saris, Albemarle Road Realty LLC Representative: John Rockwood, EcoTec, Inc.
  - Request: Issue an OOC.
9. (9:20) 10 Gambier Rd – minor plan change request– shed location – DEP File #239-608



Mayor  
Ruthanne Fuller

Director  
Planning &  
Development  
Barney Heath

Chief  
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Jennifer Steel

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- Owner/Applicant: Owen Hughes Representative: self
- Request: Determine if minor plan change request is approvable.

**10. (9:30) 190 Sumner Street – OOC Extension Request – addition onto duplex – DEP File #239-806**

- Owner/Applicant: Samuel Roth Representative: none
- Request: Issue an extension for the 6 months.

**11. (9:35) 73 Beaconwood Road – Enforcement Order – 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

**12. (9:45) 116 Upland Avenue – Compliance Discussion – enclosure of deck – DEP File #239-824**

- Owner/Applicant: Ilya Zvenigorodskiy
- Request: Discuss how sale of home will affect ensuring the site is in compliance.

**13. (10:00) 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 6/3/21.

**II. CONSERVATION AREA DECISIONS**

**III. ADMINISTRATIVE DECISIONS**

- 14. (10:05) Minutes of 4/22/21 to be approved**

**IV. ISSUES AROUND TOWN DECISIONS**

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**UPDATES**

**V. WETLANDS UPDATES**

**VI. CONSERVATION AREA UPDATES**

**VII. ISSUES AROUND TOWN UPDATES**

**VIII. ADMINISTRATIVE UPDATES**

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

**ADJOURN**

# CONSERVATION COMMISSION AGENDA

May 13, 2021

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All meeting documents are available at: <https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>

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**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:** Times listed are estimates. Items may be taken out of order at the Chair's discretion. Discussions of wetland cases may be limited by the Chair.

1. (7:00) Congratulations – Ellen Katz has completed her Fundamentals Training for Conservation Commissioners through MACC!

## DECISIONS

### I. WETLANDS DECISIONS

2. (7:05) DRAFT Mitigation Planting Guidelines – initial review by the Commission
  - Request: Staff ask that the Commission to consider guidelines to streamline discussions and ensure mitigation requirements are consistent and ecologically valuable.
  - Documents Presented: DRAFT Mitigation Planting Guidelines
  - Staff Recommendations: Provide initial feedback about the value and desired content of such a document.
3. (7:15) Presentation – Connector Stairs at Norumbega – Eagle Scout Project
  - Owners: City of Newton Applicant: Alex Morefield
  - Request: Eagle Scout candidate Alex Morefield has completed his work at Norumbega Conservation Area and is looking for sign-off on his project.
  - Documents Presented: PowerPoint presentation by Alex Morefield
  - Jurisdiction: Buffer Zone, RFA
  - Staff Notes:
    - Overall, the stairs provide a much-needed connection from the riverbank trail to the new trail along the restored slope (which is growing in nicely!).
    - Some large tree roots prevented Alex from installing steps at the very top and the very bottom, but Alex installed temporary stone dust connections and our annual maintenance contractor will finish things off with the proper materials.
  - Staff Recommendations: Vote to sign-off on Alex Morefield's Eagle Scout Project.
4. (7:30) 1897 Washington Street (Woodland Golf Club) – RDA – irrigation system replacement
  - Owner/Applicant: Scott Kohr, Woodland Golf Club Representative: Brad Vinchesi, Irrigation Consulting, Inc.
  - Request: Issue a negative DOA.
  - Documents Presented: Colored plans, site photos, draft DOA
  - Jurisdiction: Buffer Zone, City flood zone (but note, there are no changes to land cover or grade involved with this project).



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- 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
  - Installation of a replacement irrigation system for golf course. All work to take place within maintained turf areas and all buffer zone impact is temporary.
  - Three methods will be employed.
    - Directional drilling is needed to connect the two portions of the course on either side of Runaway Brook. The boring machine will be set up outside the bank of the brook and the drilling will occur 24” below the bottom of the Runaway Brook channel.
    - Main line pipe will be laid in cut trenches (remove sod, trench soil, install pipe, replace soil and sod)
    - Lateral lines will be pulled (small cut in sod to place pipe and then pull through).
- Staff Notes:
  - Depending on the level of conditioning anticipated, the Commission must determine whether this work should be permitted under a negative 3 Determination (“The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).” or whether a positive 4 Determination (“The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).”)
  - There is a lot of work proposed, but all work will take place within maintained turf and all buffer zone impacts will be temporary.
  - Erosion controls should be installed for all the mainline and boring work north of the Green Line tracks.
  - The applicant should clarify how boring spoils will be dealt with.
  - Based on discussions during the pre-hearing site visit, the applicant is aware that buffer zone planting enhancements and management changes should be considered to improve water quality and wildlife habitat.
- Staff Recommendations: Vote to issue either a negative 3 and a positive 6 determination with the following conditions, or a Positive 4.
  - Pre-construction site visit is required to confirm appropriately staked straw wattles for all the mainline and boring work north of the Green Line tracks.

**5. (7:45) 330 Homer Street – NOI – Library parking lot improvements – DEP File #239-889**

- Owner/Applicant: City of Newton Representative: Scott Turner, Environmental Partners
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone to an intermittent stream
- 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
  - Reconstruct parking lot to (accommodate solar canopies) and add 21 new parking stalls for a total of 206 stalls.
  - The overall project will result in a loss of 0.25 acres of existing landscaped island areas, but much of the loss is outside buffer zone and is proposed to be mitigated by added landscaping around the stream/pool.

- Significant enhancements are proposed for the site’s stormwater management. There will be 0.25 acres of porous pavement. All proposed drainage connections are of perforated pipe to allow for some infiltration prior to discharge at a flared end pipe stabilized with rip rap directly adjacent to the stream/pool.
- Staff Notes:
  - Only a portion of the Library lot project is within the 100-foot buffer zone of the stream/pool.
  - This filing addresses only the parking lot redesign and associated stormwater improvements and landscaping plans. The tree removal and replacement associated with the new solar canopies was addressed under OOC #239-870.
  - The proposed planting enhancements around the stream/pool are numerous and native, and will enhance existing slope stability and ecological diversity.
  - Staff have some comments regarding the proposed erosion and sediment controls.
    - Double layer silt sock may not be appropriate around the stream/pool. Staff would recommend using entrenched silt fence and silt sock.
    - Staff recommend installing erosion controls between the sidewalk up-gradient of the pond and the trees that are to remain, to provide better protection for the trees.
  - Staff have concerns about the limited snow storage areas proposed and are concerned that snow will end up being pushed into the landscaped beds.
  - Staff appreciate the density and diversity proposed for the rain garden beds, and would support simplified planting plans for the parking lot islands not intended for stormwater management.
  - Staff note that sand ought not be used in close proximity of the porous pavement.
  - Applicant should clarify if there is any chance of hitting groundwater during excavation for drainage structures.
  - Applicant should clarify if there will be oil and gas separators installed to treat stormwater before it is discharged.
  - Applicant should address current and proposed lighting regimes.
- Staff Recommendations: Address the above questions/concerns in conditions and vote to close the hearing and issue an Order of Conditions with the following special conditions.
  - The landscaping plan shall be installed (within Commission jurisdiction) as per the approved plans. All trees must survive two years for a certificate of Compliance to be issued.
  - Dewatering plan? ...
  - Erosion controls around the stream/pool shall consist of entrenched silt fence and silt sock.
  - Erosion controls shall be installed between the proposed Library parking lot sidewalk up-gradient of the stream/pools and the trees that are to remain, to provide better protection for the trees.
  - All catch-basins shall be equipped with oil and gas separators to protect the receiving waters.
  - Snow storage shall ....
  - Sand shall not be used close to the porous pavement ....
  - Lights ? ....
  - Porous pavement sub-beds should be inspected by Engineering Department when exposed.

**6. (8:00) 17 Wayne Road – NOI – teardown/rebuild single-family home – DEP File #239-XXX**

- Owner/Applicant: Jamie Ovadia Representative: Joyce Hastings, GLM Engineering Consultants, Inc.
- 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.

• **10.58(5) RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation**

- ... 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....

○ Project Summary

- Demolish existing single-family home and associated site features.
- Construct new single-family home, driveway, patios and stormwater management.
- Total increase of impervious area within jurisdiction is 2,069 s.f.
- 2 trees will be removed from within RFA. (15" oak and multi-stem 15" cedar) due to conflict with the house.
- Proposed mitigation planting of 2075 s.f. includes 3 saplings, 35 shrubs, and 51 groundcover/perennial plantings. These are divided among 4 small, un-bounded planting areas.

○ Staff Notes:

- Work in Riverfront Area is permitted at the discretion of the Conservation Commission.
- Work under 10.58(4) must have "No Practicable and Substantially Equivalent Economic Alternative" – but a proper alternatives analysis was not completed.
- Work under 10.58(5) must "improve existing conditions" and any more alteration may be allowed only if an applicant proposes mitigation ... of at least 2:1. – staff are not convinced that improvements have been demonstrated.
- The applicant provided a narrative entitled alternatives analysis which discusses the proposed work and a no build option. That does not meet the state requirements under 10.58(4) for an alternatives analysis for new construction in RFA. A complete alternatives analysis should be required and the alternative with the least adverse impact must be selected. Staff feel that there is likely an alternative with less adverse impact.
- The mitigation plantings:
  - Are proposed, in part, in and around well-established hemlocks, not in barren or paved areas.
  - Must provide real wetland functions and values -- long, linear planting beds and small isolated beds do not provide high value wildlife habitat.
  - Should all be within RFA (currently roughly 1/8 of the proposed mitigation planting is outside the RFA).
- Appropriate tree protection must be provided. Staff have significant concerns about the ability to save the large stand of trees along the southern property boundary because of the proximity of the excavation needed for the proposed drainage system and the house foundation.
- Clear plans for concrete washout and dewatering, along with stockpiling locations should be provided.
- Details for the proposed retaining wall must be provided.
- Super silt fence may be necessary along the front edge of the property for the scale of alteration anticipated.

- Staff Recommendations: Applicant should address the lack of alternatives. Alternatives should attempt to limit the alteration of RFA and should ensure more ecologically valuable mitigation, in terms of the functions and values of RFA.

**7. (8:20) 58 Everett Street – NOI – teardown/rebuild single-family home – DEP File #239-XXX**

- Owner/Applicant: Stefanos Efstratoudakis, Drachma Realty Trust Representative: John Rockwood, EcoTec, Inc.
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area

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- Performance Standards
  - **Riverfront Area: 10.58(4)**
    - e) No Practicable and Substantially Equivalent Economic Alternatives.
    - f) 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.
  - **10.58(5) RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation**
    - ... 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....
- Project Summary
  - Demolish existing 1246 s.f. single-family home with associated site features and a 328 s.f. detached garage.
  - Construct new 2151 s.f. single-family home with associated site features, including an attached garage, driveway, grading, pool, patio, landscaping, and drainage.
  - Net increase in impervious area within jurisdiction is 171 s.f.
  - Install mitigation plantings within a 1200 s.f. area -- plantings include 6 saplings, 34 shrubs, 34 perennial/groundcover species.
- Staff Notes:
  - Work in Riverfront Area is permitted at the discretion of the Conservation Commission.
  - The proposed net increase in non-exempt impervious area is only 171 s.f., but the total increase in hardscape (including the exempt pool (496 sf) and patios (802 sf)) is 1469 sf.
  - While no trees over 8" are due to be removed, shrub/sapling vegetation be lost through the construction process. The Commission should consider whether the proposed mitigation planting area is sufficient for that loss.
  - Staff question the application's alternative's analysis statement: "Reducing the house footprint and/or moving the house further from Hammond Brook in a manner that does not affect the project economics does not reduce the impacts on the statutory interests. In other words, given the nature of construction costs and property valuation, a proposed project with a somewhat smaller footprint would not represent an economically equivalent project but would have similar adverse effects on the statutory interests. This proposed project, including mitigation measures for stormwater and enhancement plantings, represents an improvement over existing conditions relative to the protection of the statutory interests." Staff feel that there is likely an alternative with less adverse impact.
  - Grading at the end of the retaining wall is too steep to be practical. The grading also appears to channel runoff into the mitigation area around the edge of the retaining wall.
  - Installation of the 2.5' tall retaining wall along the western property line may endanger the existing mature tree on the abutting property.
  - Staff feel that the proposed 6 saplings (1 red oak, 4 white spruce, 1 redbud), 34 native shrubs, 34 perennial/groundcover species is appropriate; however, staff would like to see a proposed layout planting plan.

- **Staff Recommendations:** Address the above questions/concerns in conditions and When appropriate, 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 100 % of total number of trees (after 2 growing seasons) and shrubs, and 75% of groundcover.
  - If any of the trees abutting this property are demonstrably harmed by these construction activities and suffer dieback or death within 2 years of construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).

**8. (8:50) 453-455 Albemarle Road – NOI – teardown/rebuild duplex – DEP File #239-XXX**

- **Owner/Applicant:** Michael Saris, Albemarle Road Realty LLC **Representative:** John Rockwood, EcoTec, Inc.
- **Request:** Issue an OOC.
- **Documents Presented:** Colored plans, site photos, draft OOC
- **Jurisdiction:** Buffer Zone, Riverfront Area
- **Performance Standards**
  - **Riverfront Area: 10.58(4)**
    - g) No Practicable and Substantially Equivalent Economic Alternatives.
    - h) 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**
  - Demolish existing 1,417 s.f. two-family home and associated site features, including a 1,421 s.f. driveway.
  - Construct new 2,308 s.f. two-family home with associated site features, grading, drainage, and landscaping.
  - Net reduction in impervious area on the site is 209 s.f.
  - Remove 3 trees totaling 57 caliper inches.
  - Because this project results in a net reduction in impervious area on site, no bounded mitigation area is proposed. The only plantings proposed are saplings to mitigate for the removed trees on site. Install 10 White Pine saplings and 2 River Birch saplings. One street tree will be relocated to accommodate the new driveways and a new street tree will also be planted.
- **Staff Notes:**
  - Work in Riverfront Area is permitted at the discretion of the Conservation Commission.
  - Tree protection details must be provided. Staff are concerned that trees just beyond the property line will be in danger of root and/or limb damage during construction.
  - Staff feel that appropriate mitigation for tree removal should include expansion of the rear treed area, not just augmentation of the rear treed area. Such a modified plan should be required of the applicant prior to approval.
  - Concrete washout, dewatering (possibly needed), and stockpile locations should be clarified by the applicant.
- **Staff Recommendations:** When appropriate, vote to close the hearing and issue an Order of Conditions with the following special conditions.
  - Tree protection must be installed prior to the pre-construction site visit.
  - 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)



- If any of the trees abutting this property are demonstrably harmed by these construction activities and suffer dieback or death within 2 years of construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).

**9. (9:20) 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: Annotated plan, site photos, draft MOU
- 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.”
- Staff Notes:
  - Owner was asked at the last meeting to work with staff to determine the appropriate treatment of the knotweed on the site as mitigation for the shed remaining.
  - Staff visited the site and are proposing the development of a Memorandum of Understanding (MOU), to be signed by the owner and the Commission (or its agents), that would require removal and maintenance of two patches of knotweed for 2 years.
  - By addressing the patch next to the shed, the hope is that knotweed is prevented from spreading further down-gradient, and by managing the “finger” that is next to the driveway and right along the wetland line, knotweed is kept from spreading into the bordering vegetative wetland and closer to the stream.
  - Staff support mechanical and/or chemical removal which could be done without the assistance of a contractor. At this point the knotweed plants are too high to just mow them down, but using clippers for a first cutting, followed by mowers in the future when the plants are shorter would be appropriate. The owner may choose to use a chemical treatment as outlined in the Commission’s Invasive Plant Control Policy.
  - The development of an MOU detailing the requirements of removal would allow us to close out the open Order of Conditions prior to the completion of 2 years of management under the MOU.
- Staff Recommendations: Vote to approve the minor plan change allowing the shed to remain documented with a staff note to file. Vote to sign the Memorandum of Understanding requiring 2 years of knotweed management.

**10. (9:30) 190 Sumner Street – OOC Extension Request – addition onto duplex – DEP File #239-806**

- Owner/Applicant: Samuel Roth Representative: none
- Request: Issue an extension for the 6 months.
- Documents Presented: Site photos
- Jurisdiction: Buffer Zone, Riverfront Area
- Performance Standards
  - **Riverfront Area: 10.58(4)**
    - i) No Practicable and Substantially Equivalent Economic Alternatives.
    - j) 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.
- Staff Notes:
  - This is a partial ex post facto project to approve the reconstruction of a detached garage and construction of new living space to augment the existing duplex. There was some work in the 100’ buffer zone; minor grading in preparation for driveway expansion occurred in RFA.

- The remaining project work – driveway paving and plantings – occurred appropriately and the plants are growing in well.
- The applicant is requesting a 6-month extension to allow for the final as-built to be completed. There has been a back-up of survey work due to the pandemic and the applicant does not feel that all the paperwork will be ready by the time the OOC expires on 5/17/21.
- Staff Recommendation: Vote to issue an extension for 6-months.

**11. (9:35) 73 Beaconwood Road – Enforcement Order – 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:
- 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:
  - Owner, Matthew Haney, did not submit materials by the required date due to ill-health of his surveyor. Mr. Haney has stated that materials are in the works and will be submitted as soon as possible. Staff would like the Commission to formally approve such a delay, with a new due date, since the Enforcement Order required that by noon on April 27, 2021 Mr. Haney submit:
    - stamped surveyed plan arranged and paid for Mr. Haney
    - showing 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:
    - Mr. Haney was due to ensure that sediment fence was 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 was be submitted.
  - Staff have received a letter signed by many neighbors asking the City to protect the wetland functions and values currently on the site. Since the ponding area was determined to be non-jurisdictional, the only jurisdiction the Commission has is over buffer zone. The regulations do not provide a regulatory framework to directly protect buffer zone, only in so far as buffer zone provides protection for the adjacent wetland.

**12. (9:45) 116 Upland Avenue – Compliance Discussion – enclosure of deck – DEP File #239-824**

- Owner/Applicant: Ilya Zvenigorodskiy
- Request: Discuss how sale of home will affect ensuring the site is in compliance.
- Staff Notes: Staff has been told that 116 Upland Ave has been put on the market and an offer made. Corrections to the siding and closure of the wetland file have not yet occurred. Staff wonder how the Commission would like to proceed.

**13. (10:00) 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 6/3/21.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain (~45' NAVD88 or 52' CNVD)
- Project Summary
  - Reconstruct existing detached garage 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 was not able to get revised plans showing the new deck footings and associated cut/fill calculations to staff in time for review. They have requested a continuation to the 6/3/21 Conservation Commission meeting.
- Staff Recommendations: Vote to continue the hearing to 6/3/21.

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

**III. ADMINISTRATIVE DECISIONS**

**14. (10:05) Minutes of 4/22/21 to be approved**

- Documents Presented: Draft 4/22/21 minutes
- Staff Recommendations: Vote to accept the 4/22/21 minutes.

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

**UPDATES**

**V. WETLANDS UPDATES**

- Risk Tree Assessment Protocol: Staff are working to develop a template to make consistent our evaluation of “risk trees.”
- Enforcement follow up needed: Newton Yacht Club, Saco Street Condos, 630 Walnut, CRCK docks.
- Bullough’s Pond Dam is due to be rehabilitated to bring it into compliance with state requirements for safety.
- 630 Walnut Street: Builder apparently cut trees on PRC land near Bullough’s Pond.

**VI. CONSERVATION AREA UPDATES**

- Houghton Garden: TreeTech completed hazard tree removal, path reconstruction is under way, planting of the Suffolk Lowell corner will occur soon thanks to generous neighbors, and seeding of ODP swimming pool are due to occur soon.
- Old Deer Park: Wood chips will be spread on the new paths.
- Stairs from the Greenway to the Riverwalk: New contractors are being explored for a summer installation.
- Encroachments: 149 Harwich, 170 Suffolk, and 860 Newton are due to be addressed.
- Stewards: We have a new Webster/Cohen Steward: Steve Heinrichs. Other Webster stewards will be tackling graffiti.
- Mark Neves’ crews are starting their first touch of all our parcels.

**VII. ISSUES AROUND TOWN UPDATES**

- Christina Street Bridge Feasibility Study: VHB is working to finish their report on the bridge from which City staff and Town staff in Needham will select a preferred scenario.
- ACROSS trails ground-truthing effort update due.
- Climate Action Plan implementation continues.
- OSRP Implementation Committee: met for the first time and will meet quarterly.
- Flood Ordinance: The Commission will need to update it this year.

**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: [ifairley@newtonma.gov](mailto:ifairley@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.

**Mitigation/Restoration Planting Area Guidelines**  
*DRAFT 5/6/2021*

**Plant Variety Requirements**

- Plants shall be native to central or northeastern North America
- Plants with high habitat value shall be given priority

**Plant Density and Size Requirements (at time of installation)**

Type of Plant	Planting distance	Planting density	Size at time of installation
Groundcover plugs	1' on center	100 per 100 sf	plugs (or appropriate seed mix)
Shrubs	5' on center	5 per 100 sf	2' tall
Small trees	10' on center	1 per 100 sf	1 caliper inch / ?? feet tall
Canopy trees	20' on center	0.5 per 100 sf	2 caliper inches / ?? feet tall

**Planting Area Shape Requirements for Riverfront Area and Recommendations for Buffer Zone**

- No bed/area shall be less than 100 sf
- No bed/area shall be skinnier than 10'
- No bed/area shall be more linear than 1:4

**Planting Area "Equivalents" (to be used as a rough guide)**

Area Required	Skinniest Option Allowed	Square Option	Ratio 1	Ratio 2	Ratio 3	Ratio 4
			GC/Shr/Sap/Tr	GC/Shr/Sap/Tr	GC/Shr/Sap/Tr	GC/Shr/Sap/Tr
100 sf	10 x 10	5x 20	100 / 0 / 0 / 0	50 / 5 / 0 / 0	20 / 2 / 1 / 0	10 / 0 / 0 / 1
200 sf	10 x 20	14 x 14	100 / 2 / 1 / 0	50 / 3 / 1 / 0	50 / 2 / 2 / 0	25 / 2 / 0 / 1
300 sf	10 x 30	17 x 17	200 / 2 / 2 / 0	100 / 3 / 3 / 0	100 / 4 / 1 / 1	50 / 3 / 1 / 1
400 sf	10 x 40	20 x 20				
500 sf	15 x 33	22 x 22				
600 sf	15 x 40	25 x 25				
700 sf	15 x 47	26 x 26				
800 sf	15 x 53	28 x 28				
900 sf	20 x 45	30 x 30				
1000 sf	20 x 50	32 x 32				
1100 sf	20 x 55	33 x 33				
1200 sf	20 x 60	35 x 35				

**Draft/suggested layouts must be provided.**

**Retaining Walls and Fences**

- Walls and fences can diminish the habitat value of mitigation areas and should be allowed only if necessary

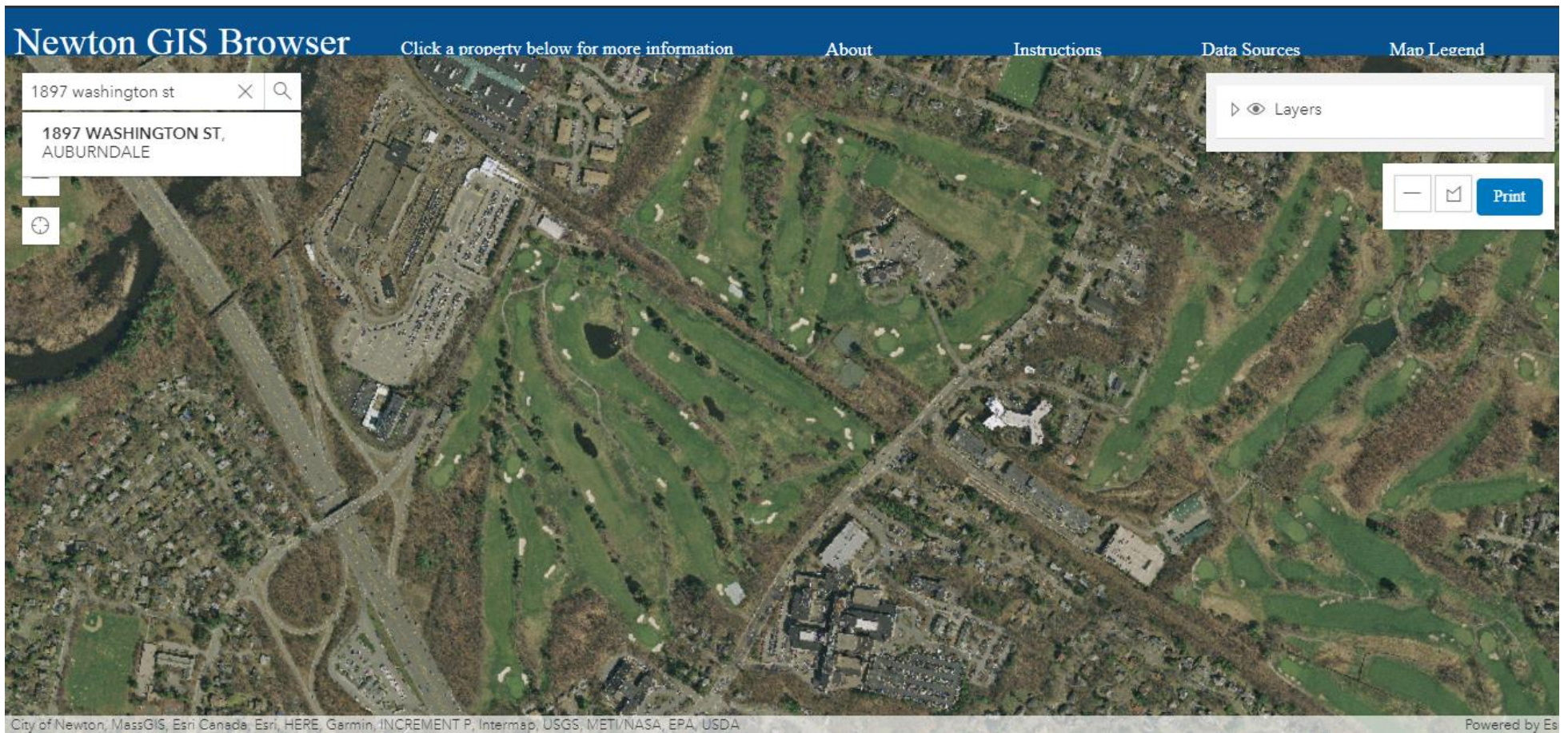
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1897 washington st

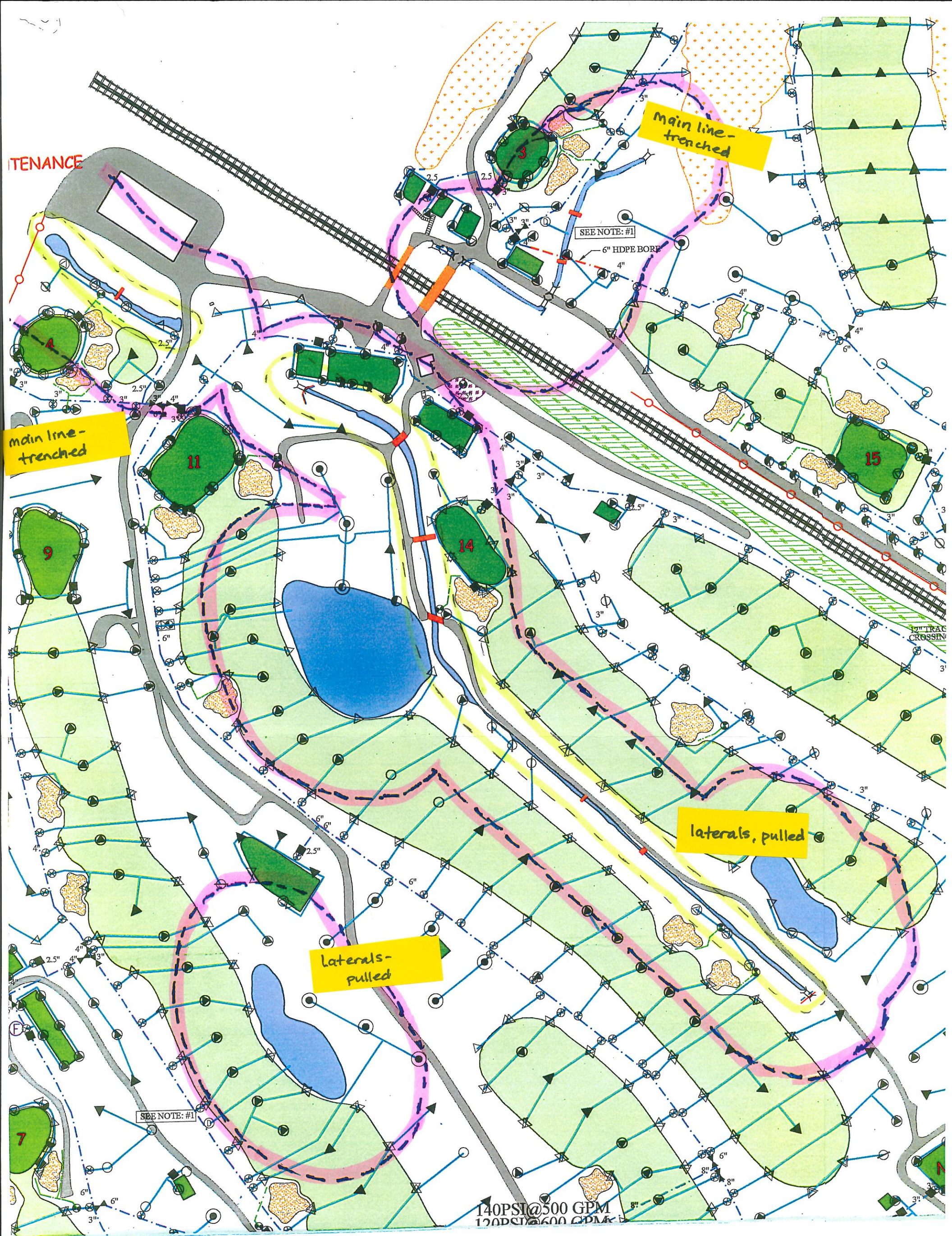
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AUBURNDALE**

Layers

**Print**



City of Newton, MassGIS, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA Powered by Esri



TENANCE

main line-trenched

main line-trenched

laterals, pulled

laterals-pulled

SEE NOTE: #1

6" HDPE BORE

SEE NOTE: #1

140PSI@500 GPM  
120PSI@600 GPM

- (●) ▲ Δ ⊙ ○ sprinkler heads
- 2" HDPE pipe
- - - main line (bored)
- - - main line
- ▬ bridge
- ▬ tunnel
- - - 100' buffer zone
- - - 30' city floodplain







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330 HOMER ST, NEWTON X Q

Layers

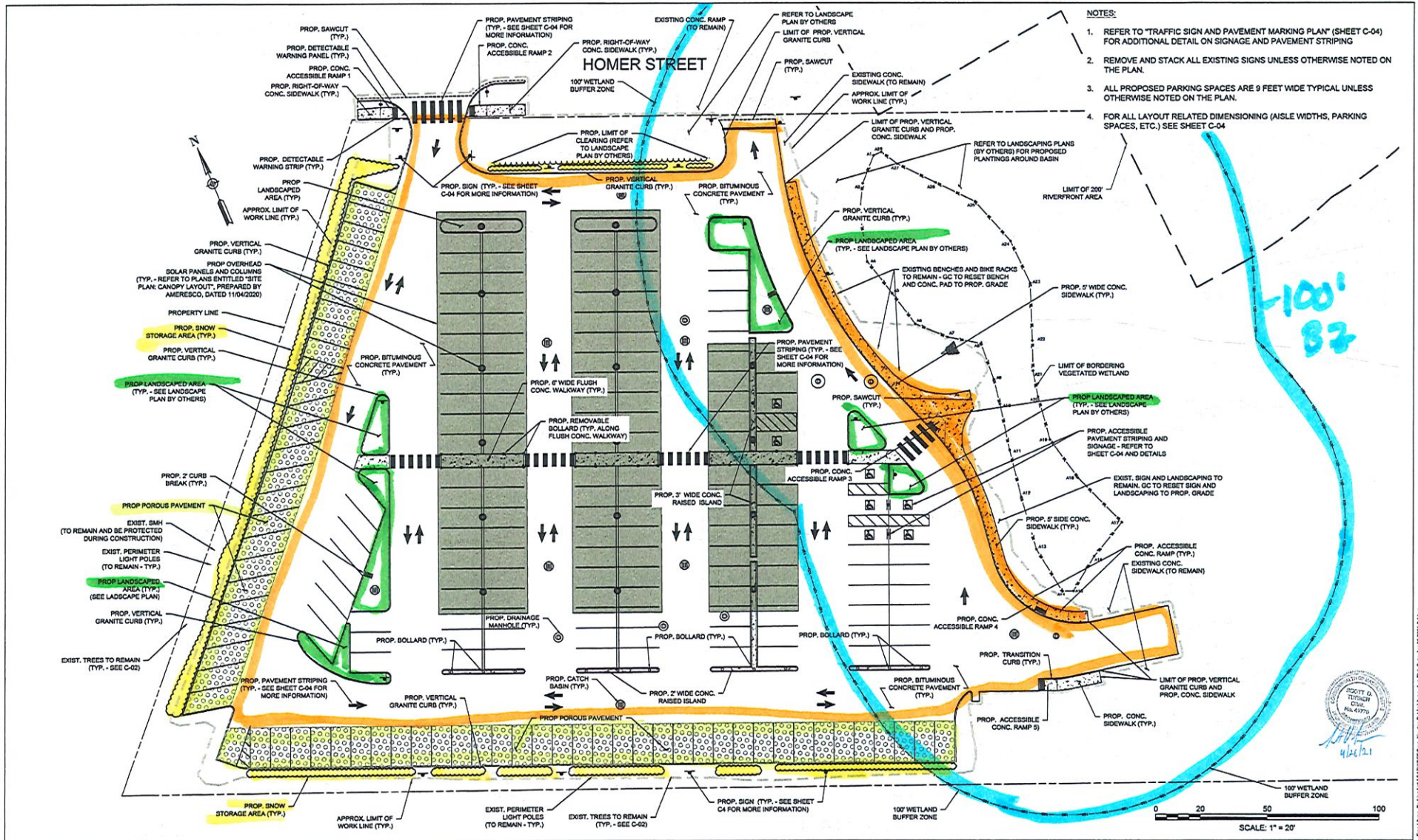
Print

City of Newton, MassGIS, Esri, Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

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330 HOMER ST

PROPOSED CONDITIONS



- NOTES:
1. REFER TO "TRAFFIC SIGN AND PAVEMENT MARKING PLAN" (SHEET C-04) FOR ADDITIONAL DETAIL ON SIGNAGE AND PAVEMENT STRIPING
  2. REMOVE AND STACK ALL EXISTING SIGNS UNLESS OTHERWISE NOTED ON THE PLAN.
  3. ALL PROPOSED PARKING SPACES ARE 9 FEET WIDE TYPICAL UNLESS OTHERWISE NOTED ON THE PLAN.
  4. FOR ALL LAYOUT RELATED DIMENSIONING (AISLE WIDTHS, PARKING SPACES, ETC.) SEE SHEET C-04

100'  
82



0 20 50 100  
SCALE: 1" = 20'



Scale	AS NOTED
Date	04/27/2021
Job No	320-1902
Designed by	DJOMMS
Drawn by	MMS
Checked by	DJO
Approved by	SDT

THIS LINE IS ONE INCH LONG WHEN PLOTTED AT FULL SCALE ON A 22" X 34" DRAWING

NEWTON FREE LIBRARY PARKING LOT  
330 HOMER STREET  
NEWTON, MASSACHUSETTS  
MAP ID: 0725W, LOT ID: 64003 0005 (LOT 5, BLOCK 3, SECTION 64)

SITE PLAN

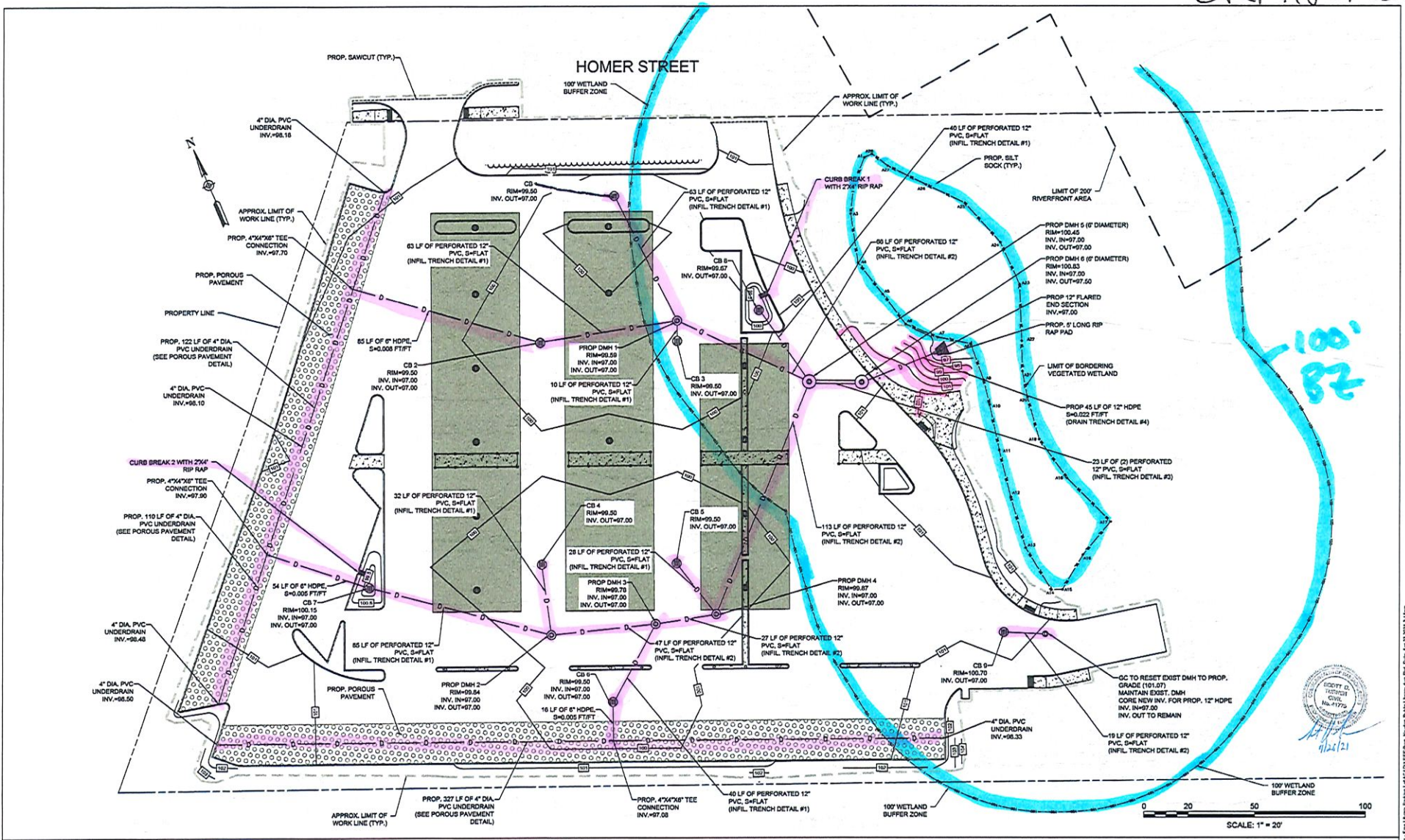
FOR PERMITTING  
Sheet No.  
**C-03**

for 5113/21

Drawing No. 1 (Rev. 02/18/20) 100' Wetland Buffer Zone - Full Library Plan - 100' Wetland Buffer Zone - Public Library Eng. File Code: Apr 13, 2021 3:15 PM

330 HOMER ST

PROPOSED DRAINAGE



**ENVIRONMENTAL PARTNERS**

Scale	AS NOTED
Date	04/27/2021
Job No.	326-1902
Designed by	DJOAMMS
Drawn by	MMS
Checked by	DJO
Approved by	SDT

THIS LINE IS ONE INCH LONG WHEN PLOTTED AT FULL SCALE ON A 22" X 34" DRAWING

NEWTON FREE LIBRARY PARKING LOT  
330 HOMER STREET  
NEWTON, MASSACHUSETTS  
MAP ID: 0725W, LOT ID: 64003 0005 (LOT 5, BLOCK 3, SECTION 64)

DRAINAGE PLAN

FOR PERMITTING  
Sheet No.

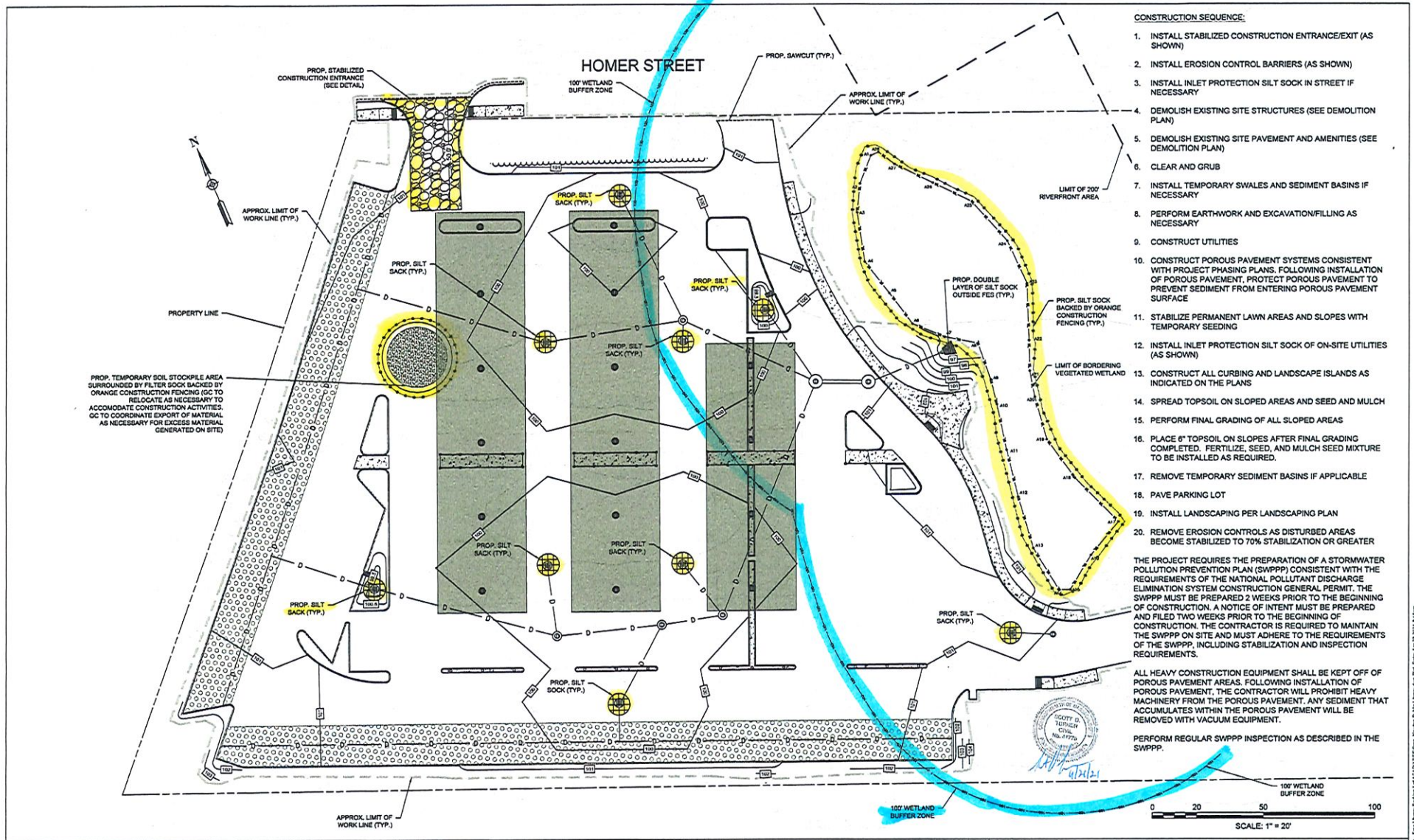
C-06

for 5/13/21

Drawing File: I:\newton\1902 Newton Free Library Parking Lot\0725W\0725W\_Parking\_Plot\_Plan.dwg Date: Apr 23 2021 3:15pm

330 HOMER ST

PROPOSED EROSION CONTROL



- CONSTRUCTION SEQUENCE:**
1. INSTALL STABILIZED CONSTRUCTION ENTRANCE/EXIT (AS SHOWN)
  2. INSTALL EROSION CONTROL BARRIERS (AS SHOWN)
  3. INSTALL INLET PROTECTION SILT SOCK IN STREET IF NECESSARY
  4. DEMOLISH EXISTING SITE STRUCTURES (SEE DEMOLITION PLAN)
  5. DEMOLISH EXISTING SITE PAVEMENT AND AMENITIES (SEE DEMOLITION PLAN)
  6. CLEAR AND GRUB
  7. INSTALL TEMPORARY SWALES AND SEDIMENT BASINS IF NECESSARY
  8. PERFORM EARTHWORK AND EXCAVATION/FILLING AS NECESSARY
  9. CONSTRUCT UTILITIES
  10. CONSTRUCT POROUS PAVEMENT SYSTEMS CONSISTENT WITH PROJECT PHASING PLANS. FOLLOWING INSTALLATION OF POROUS PAVEMENT, PROTECT POROUS PAVEMENT TO PREVENT SEDIMENT FROM ENTERING POROUS PAVEMENT SURFACE
  11. STABILIZE PERMANENT LAWN AREAS AND SLOPES WITH TEMPORARY SEEDING
  12. INSTALL INLET PROTECTION SILT SOCK OF ON-SITE UTILITIES (AS SHOWN)
  13. CONSTRUCT ALL CURBING AND LANDSCAPE ISLANDS AS INDICATED ON THE PLANS
  14. SPREAD TOPSOIL ON SLOPED AREAS AND SEED AND MULCH
  15. PERFORM FINAL GRADING OF ALL SLOPED AREAS
  16. PLACE 6" TOPSOIL ON SLOPES AFTER FINAL GRADING COMPLETED. FERTILIZE, SEED, AND MULCH SEED MIXTURE TO BE INSTALLED AS REQUIRED.
  17. REMOVE TEMPORARY SEDIMENT BASINS IF APPLICABLE
  18. PAVE PARKING LOT
  19. INSTALL LANDSCAPING PER LANDSCAPING PLAN
  20. REMOVE EROSION CONTROLS AS DISTURBED AREAS BECOME STABILIZED TO 70% STABILIZATION OR GREATER

THE PROJECT REQUIRES THE PREPARATION OF A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) CONSISTENT WITH THE REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM CONSTRUCTION GENERAL PERMIT. THE SWPPP MUST BE PREPARED 2 WEEKS PRIOR TO THE BEGINNING OF CONSTRUCTION. A NOTICE OF INTENT MUST BE PREPARED AND FILED TWO WEEKS PRIOR TO THE BEGINNING OF CONSTRUCTION. THE CONTRACTOR IS REQUIRED TO MAINTAIN THE SWPPP ON SITE AND MUST ADHERE TO THE REQUIREMENTS OF THE SWPPP, INCLUDING STABILIZATION AND INSPECTION REQUIREMENTS.

ALL HEAVY CONSTRUCTION EQUIPMENT SHALL BE KEPT OFF OF POROUS PAVEMENT AREAS. FOLLOWING INSTALLATION OF POROUS PAVEMENT, THE CONTRACTOR WILL PROHIBIT HEAVY MACHINERY FROM THE POROUS PAVEMENT. ANY SEDIMENT THAT ACCUMULATES WITHIN THE POROUS PAVEMENT WILL BE REMOVED WITH VACUUM EQUIPMENT.

PERFORM REGULAR SWPPP INSPECTION AS DESCRIBED IN THE SWPPP.



Scale	AS NOTED
Date	04/27/2021
Job No.	326-1902
Designed by	DJORMMS
Drawn by	MMS
Checked by	DJO
Approved by	SDT

THIS LINE IS ONE INCH LONG WHEN PLOTTED AT FULL SCALE ON A 22" X 34" DRAWING

NEWTON FREE LIBRARY PARKING LOT  
330 HOMER STREET  
NEWTON, MASSACHUSETTS  
MAP ID: 0725W, LOT ID: 64003 0005 (LOT 5, BLOCK 3, SECTION 64)

EROSION & SEDIMENT CONTROL PLAN

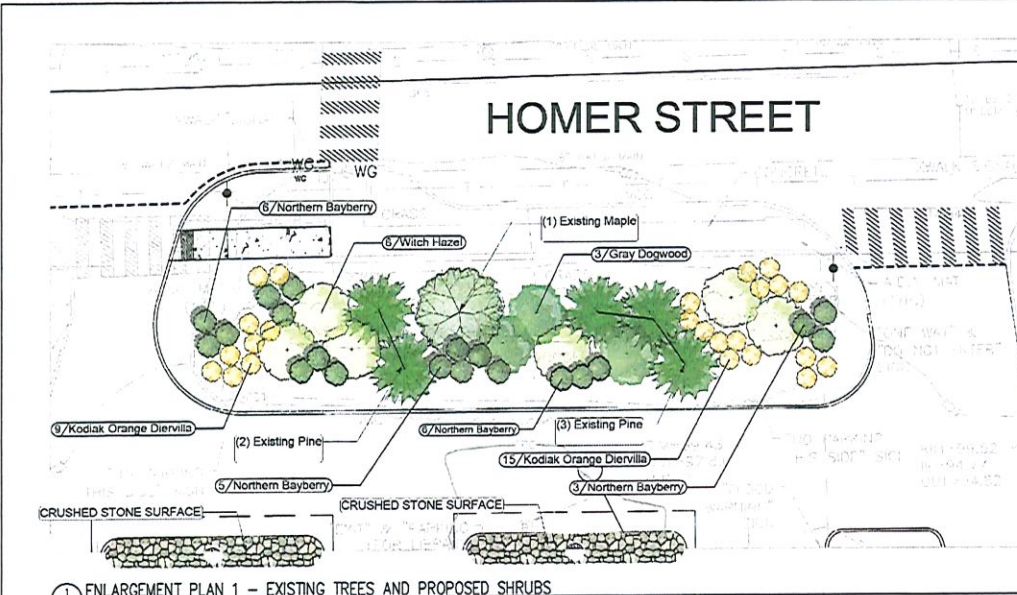
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C-07

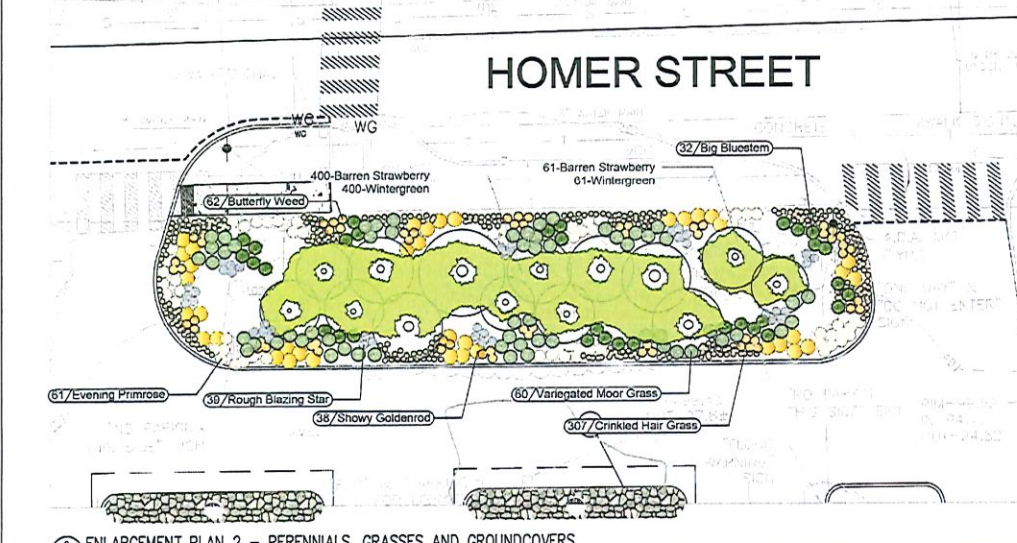
Drawing file: I:\newton\326-1902\newton\_free\_library\_parking\_lot\326-1902\EROSION & SEDIMENT CONTROL PLAN.dwg Date: 04/27/2021 1:13 PM

330 HOMER ST

PROPOSED PLANTING  
PART 1



1 ENLARGEMENT PLAN 1 - EXISTING TREES AND PROPOSED SHRUBS  
SCALE: 1"=10'-0"



2 ENLARGEMENT PLAN 2 - PERENNIALS, GRASSES AND GROUNDCOVERS  
SCALE: 1"=10'-0"

PLANTING SCHEDULE

Qty.	Latin Name	Common Name	Size	Notes
<b>Shrubs</b>				
11	ARONIA ARBUTIFOLIA 'BRILLANTISSIMA'	RED CHOKEBERRY	5 Gal.	Container
3	CORNUS RACEMOSA	GRAY DOGWOOD	10 Gal.	Container
28	CORNUS SENICSA 'ARCTIC FIRE'	RED OSIER DOGWOOD	5 Gal.	Container
24	DIERVILLA 'KODIAK ORANGE'	KODIAK ORANGE DIERVILLA	3 Gal.	Container
6	HAMAMELIS VIRGINIANA	AMERICAN WITCHHAZEL	4/5' Ht.	B&B
34	ILEX GLABRA 'COMPACTA'	COMPACT INKBERRY	5 Gal.	Container
32	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY	5 Gal.	Container

Perennials, Grasses, Groundcovers

216	AMSONIA TABERNAEMONTANA 'BLUE ICE'	BLUE STAR AMSONIA	1 Gal.	Container
32	ANDROPOGON GERARDII	BIG BLUESTEM	2 Gal.	Container
269	ASCLEPIAS TUBEROSA	BUTTERFLY MILKWEEED	1 Gal.	Container
11	ASTER NOVAE-ANGLIAE 'PURPLE DOME'	NEW ENGLAND ASTER	1 Gal.	Container
601	CAREX PENNSYLVANICA	PENNSYLVANIAN SEDGE	1 quart	Container
47	COREOPSIS LANCEOLATA 'MOONBEAM'	WHORLED TICKSEED	1 Gal.	Container
307	DESCHAMPSIA FLEXUOSA	WAVY HAIR GRASS	1 Gal.	Container
10	GAULTHERIA PROCUMBENS	WINTERGREEN	4" Pot/15 in Tray	Tray
328	IRIS VERSICOLOR	BLUE FLAG IRIS	1 Gal.	Container
304	LIATRIS ASPERA	ROUGH BLAZING STAR	1 Gal.	Container
21	LOBELIA CARDINALIS	CARDINAL FLOWER	1 Gal.	Container
40	MOLINIA CAERULEA	PURPLE MOOR GRASS	2 Gal.	Container
78	MONARDA FISTULOSA	WILD BERGAMOT	1 Gal.	Container
61	OENOTHERA FRUTICOSA	EVENING PRIMROSE	1 Gal.	Container
186	PANICUM VIRGATUM	SWITCH GRASS	2 Gal.	Container
545	RUDBECKIA 'AMERICAN GOLD RUSH'	BLACK-EYED SUSAN	1 Gal.	Container
414	SCHIZACHYRIUM SCOPARILUM	LITTLE BLUESTEM	2 Gal.	Container
38	SOLIDAGO SPECIOSA	SHOWY GOLDENROD	1 Gal.	Container
765	WALDSTENIA FRAGARIODES	BARREN STRAWBERRY	1 quart	Container

NEWTON FREE LIBRARY PARKING LOT  
Newton, MA

Owner  
City of Newton

Landscape Architect



Radner Design Associates, Inc.

3 Allied Drive, Suite 203  
Dedham, MA 02026  
508.726.6144  
www.radnerdesign.com



Revision:

Drawn: kc

Checked: mr

Scale: 1"=10'-0"



Sheet Name:  
Enlargement Plan 1

Project No.:  
21-10

Issue Date:  
04/27/21

Sheet No.:

L1

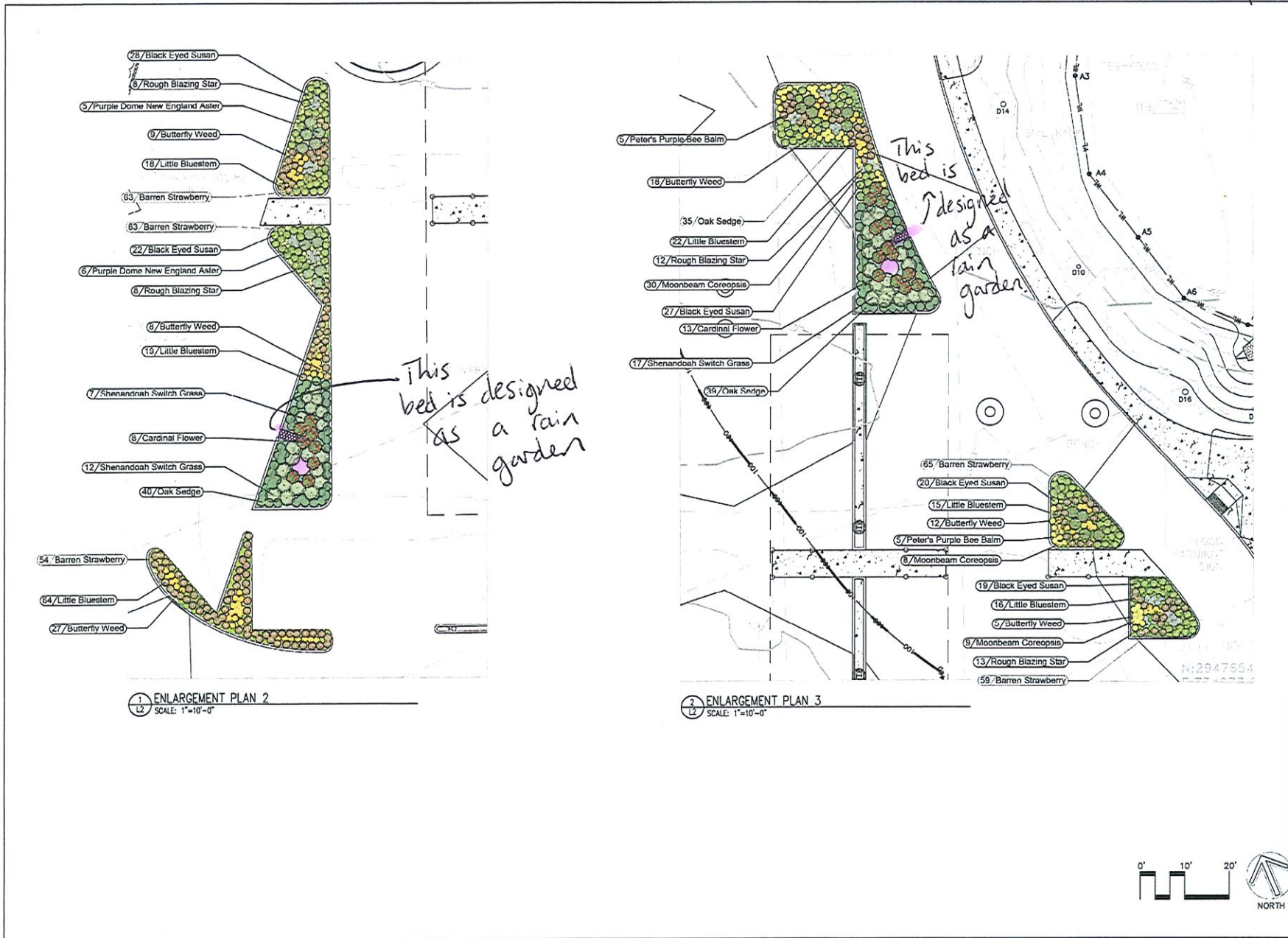
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for 5113/21

330 HOMER ST

PROPOSED PLANTING  
PART 2



NEWTON FREE LIBRARY PARKING LOT  
Newton, MA

Owner  
City of Newton

Landscape Architect  
**Radner Design Associates, Inc.**  
3 Allied Drive, Suite 303  
Dedham, MA 02026  
508-736-6144  
www.RadnerDesign.com

**REVISIONS:**

Drawn: kc  
Checked: mr  
Scale: 1"=10'-0"

**SHEET NAME:**  
Enlargement plans 2&3

**PROJECT NO.:**  
21-10

**ISSUE DATE:**  
04/27/21

**SHEET NO.:**  
L2

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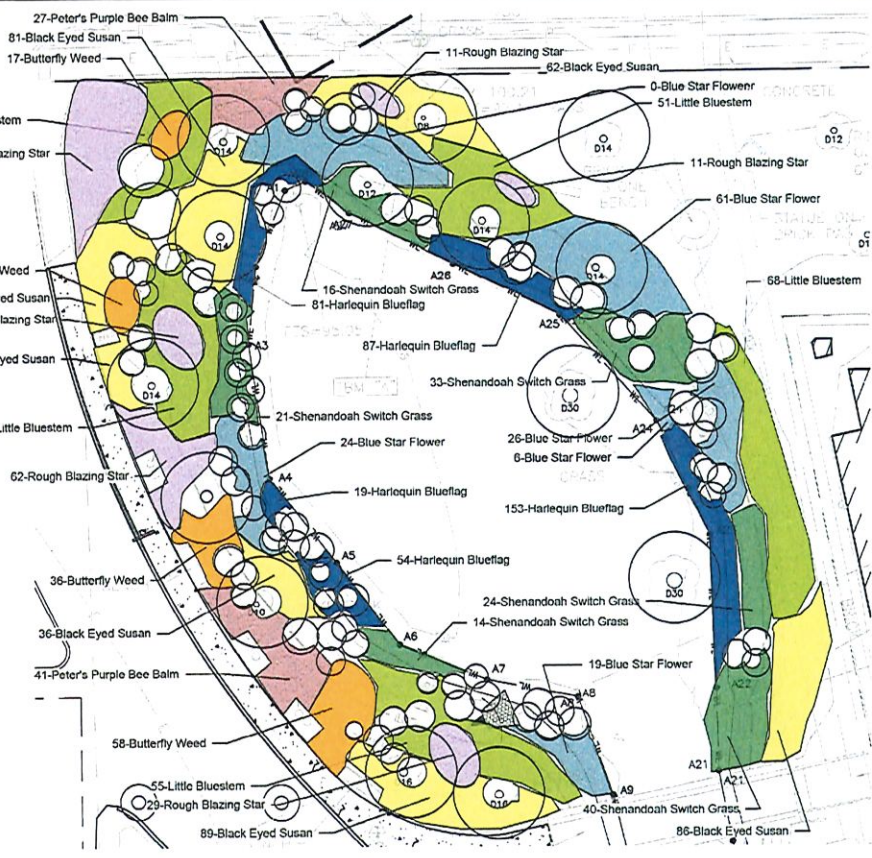
for SIRB/21

330 HOMER ST

PROPOSED PLANTING  
PART 3



1 ENLARGEMENT PLAN 4 - EXISTING TREES, PROPOSED SHRUBS + GROUNDCOVERS  
SCALE: 1"=10'-0"



2 ENLARGEMENT PLAN 4 - PERENNIALS  
SCALE: 1"=10'-0"

NEWTON FREE LIBRARY PARKING LOT  
Newton, MA

Owner  
City of Newton

Landscape Architect



Radner Design Associates, Inc.  
3 Allied Drive, Suite 303  
Dedham, MA 02026  
508.726.6144  
www.RadnerDesign.com



Revision:

Drawn: kc

Checked: mr

Scale: 1"=10'-0"



Sheet Name:  
Enlargement Plan 4

Project No.:  
21-10

Issue Date:  
04/27/21

Sheet No.:

L3



for 5/13/21

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17 wayne

17 WAYNE RD, NEWTON  
CENTRE

Layers

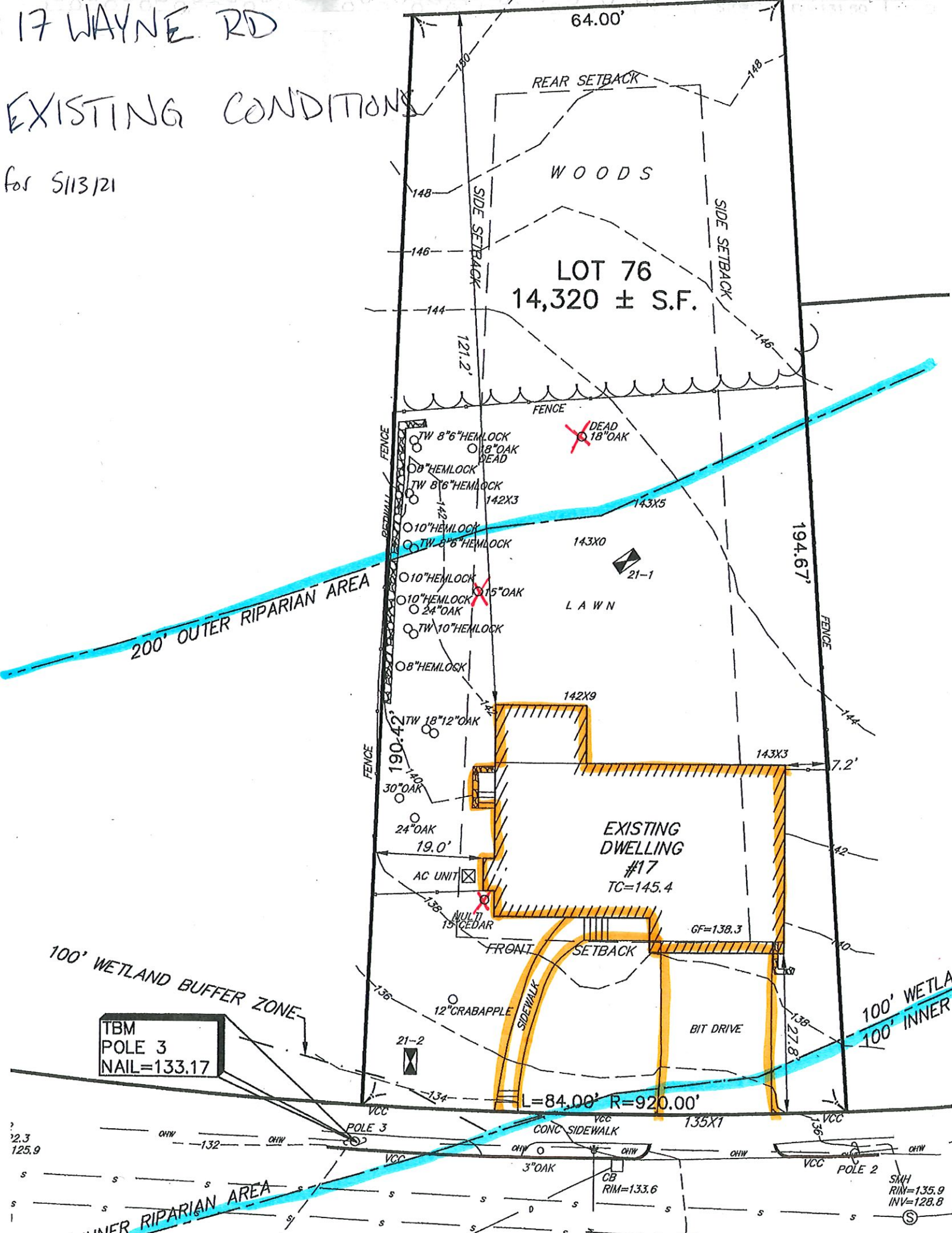
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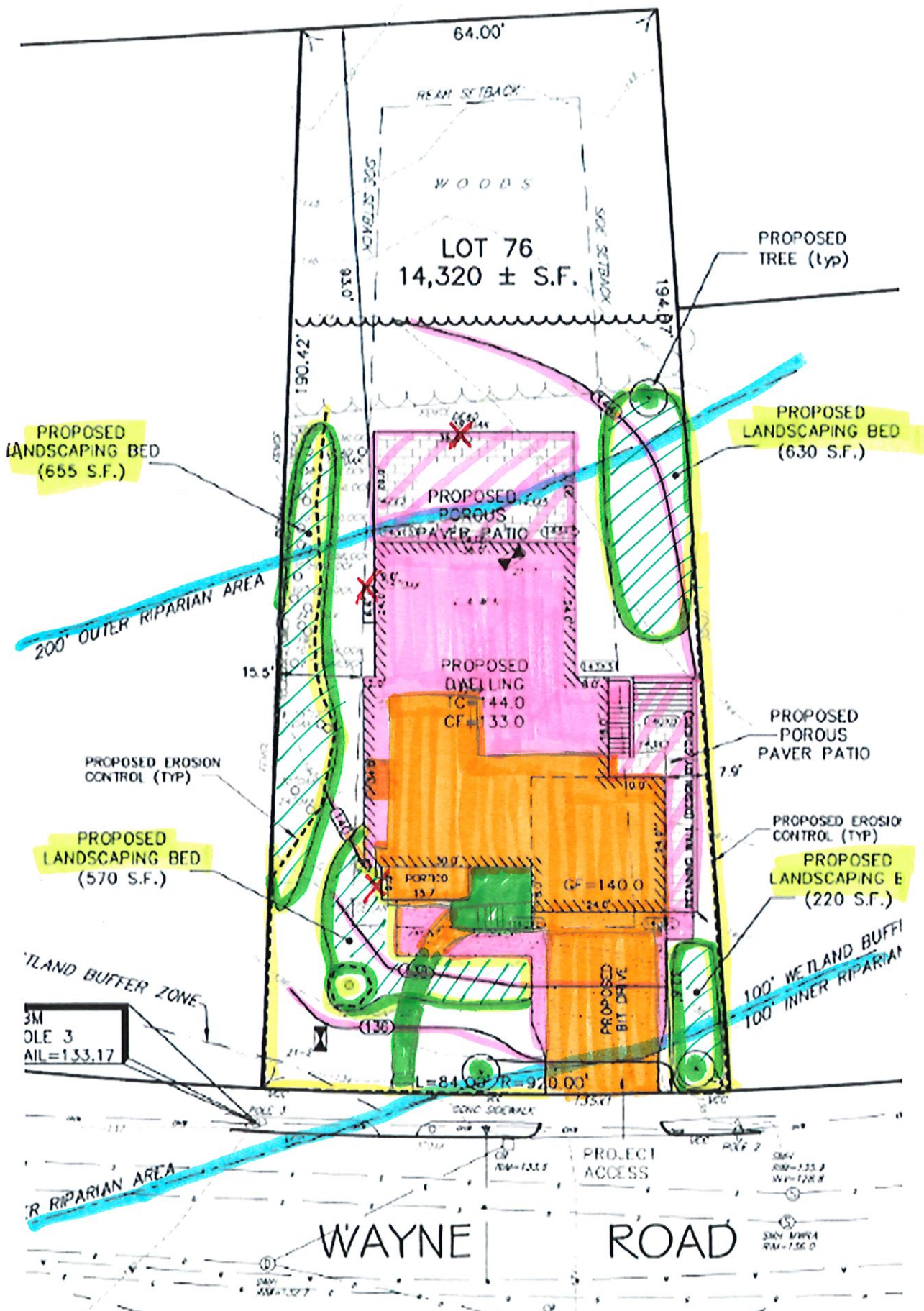


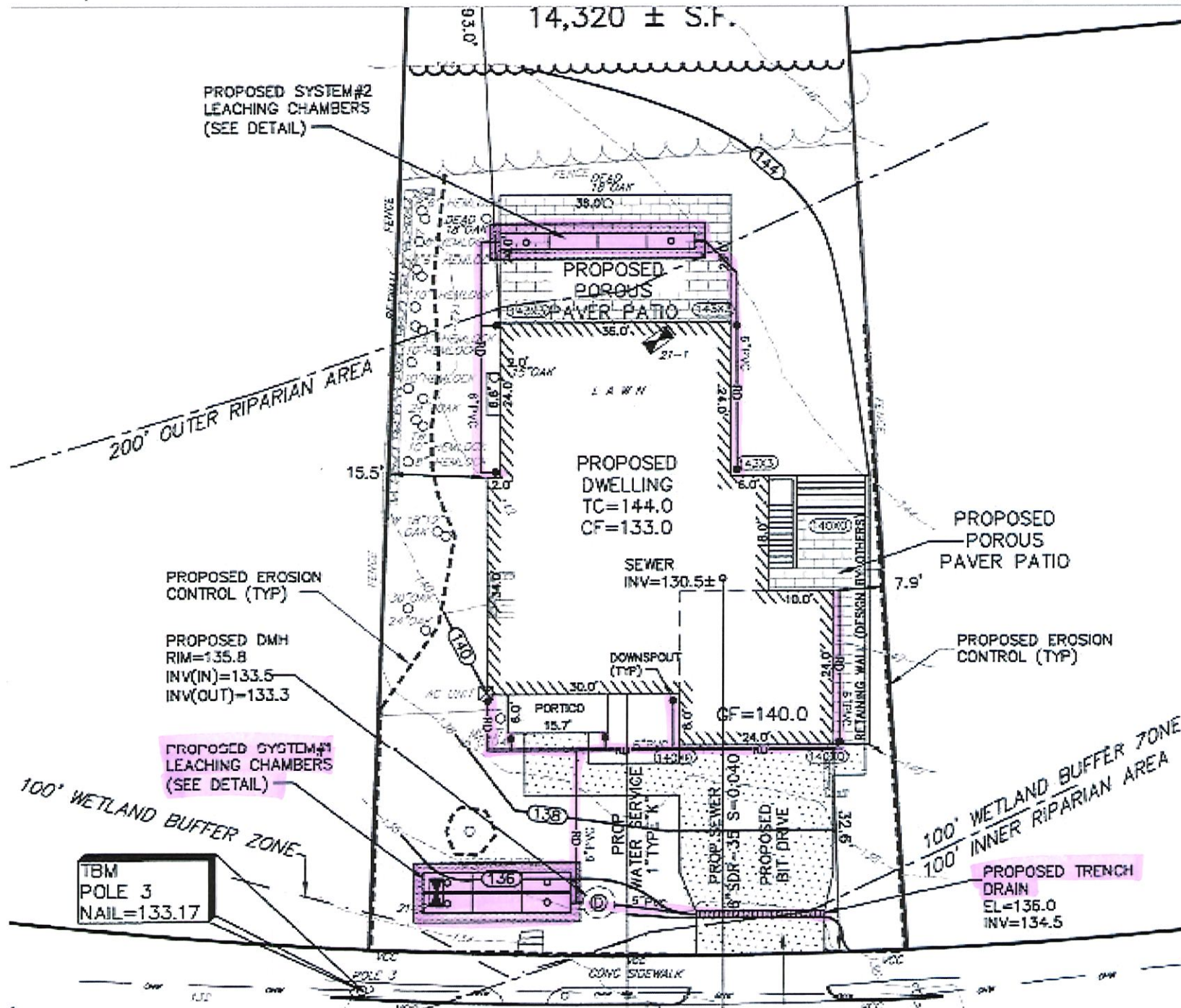
17 WAYNE RD

EXISTING CONDITIONS

for S113121

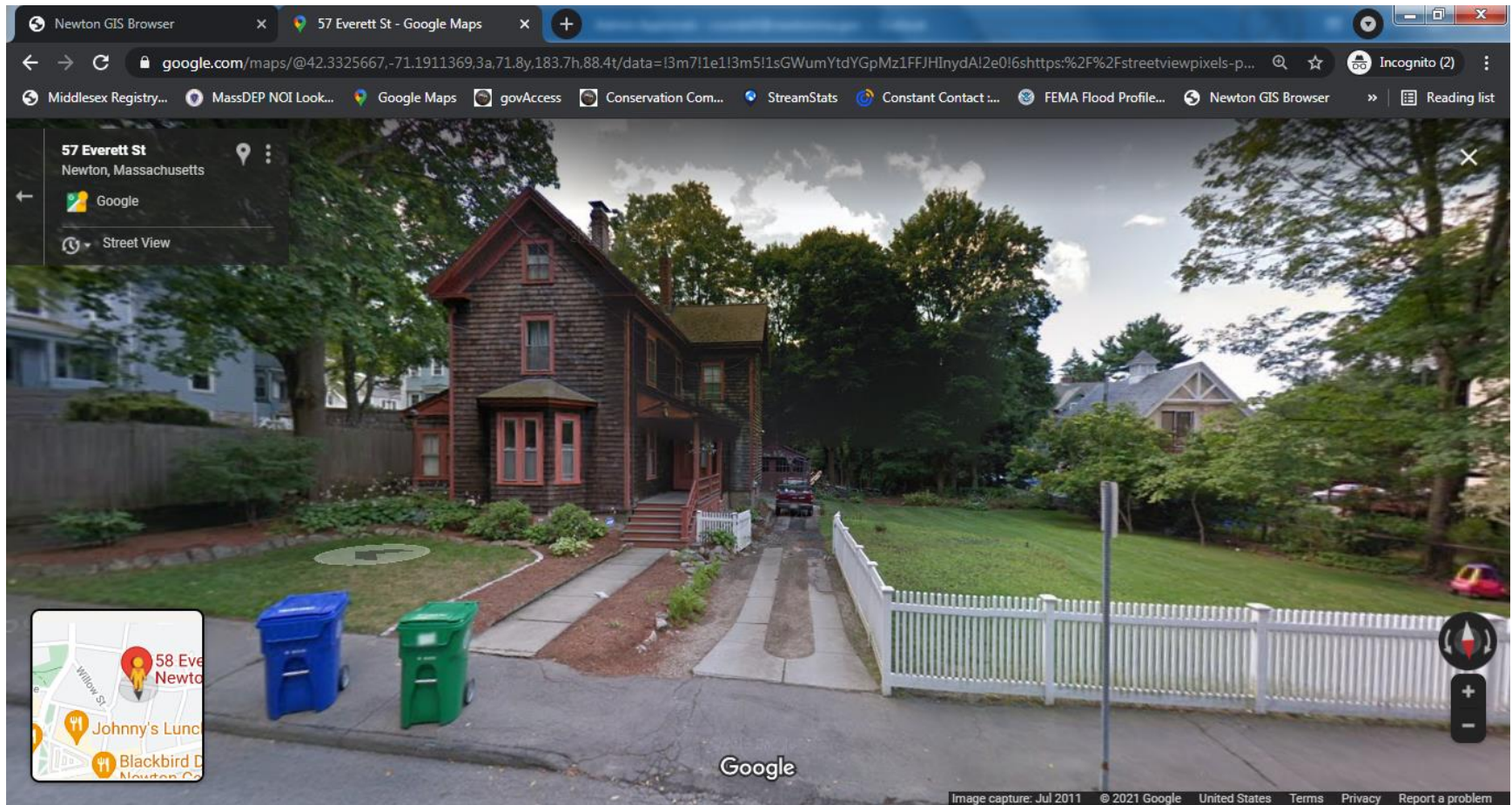






MITIGATION PLANTING SCHEDULE (2,075 S.F.)		
PERENNIALS/GROUND COVER	QUANTITY	HEIGHT
HAY SCENTED FERN ( <i>Dennstaedtia punctilobula</i> )	12	2 QT
CANADA MAYFLOWER ( <i>Maianthemum canadense</i> )	12	3 IN
RUNNING FOAMFLOWER ( <i>Tiarella cordifolia</i> )	4	1 QT
MARGINAL FERN ( <i>Dryopteris marginalis</i> )	4	2 QT
VIRGINIA CREEPER ( <i>Parthenocissus quinquefolia</i> )	4	2 GAL
WOOD ASTER ( <i>Eurybia divaricata</i> )	5	2 QT
BEE BALM ( <i>Morada punctata</i> )	3	2 QT
WOODLAND SUNFLOWER ( <i>Helianthus divaricatus</i> )	3	1 GAL
PRAIRIE DROPSEED ( <i>Sporobolus heterolepis</i> )	4	1 GAL
SHRUBS		
STEEPLEBUSH ( <i>Spiraea tomentosa</i> )	3	2 GAL
HOLLY ( <i>Ilex opaca</i> )	4	2 GAL
INKBERRY ( <i>Ilex glabra</i> )	4	2 GAL
RHODODENDRON ( <i>Rhododendron maximum</i> )	3	2 GAL
RHODODENDRON ( <i>Rhododendron prinophyllum</i> )	3	2 GAL
MEADOWSWEET ( <i>Spiraea alba</i> )	6	2 GAL
SWEET PEPPERBUSH ( <i>Clethra alnifolia</i> 'Hummingbird')	6	2 GAL
SHRUBBY CIQUEFOIL ( <i>Potentilla fruticosa</i> )	6	2 GAL
TREES		
SUGAR MAPLE ( <i>Acer saccharum</i> )	3	2.5 - 3 IN

RIPARIAN AREA::



58 Everett Street

Aerial

**Newton GIS Browser** [Click a property below for more information](#) [About](#) [Instructions](#) [Data Sources](#) [Map Legend](#)

58 everett

58 EVERETT ST, NEWTON CENTRE

Layers

170-172

501

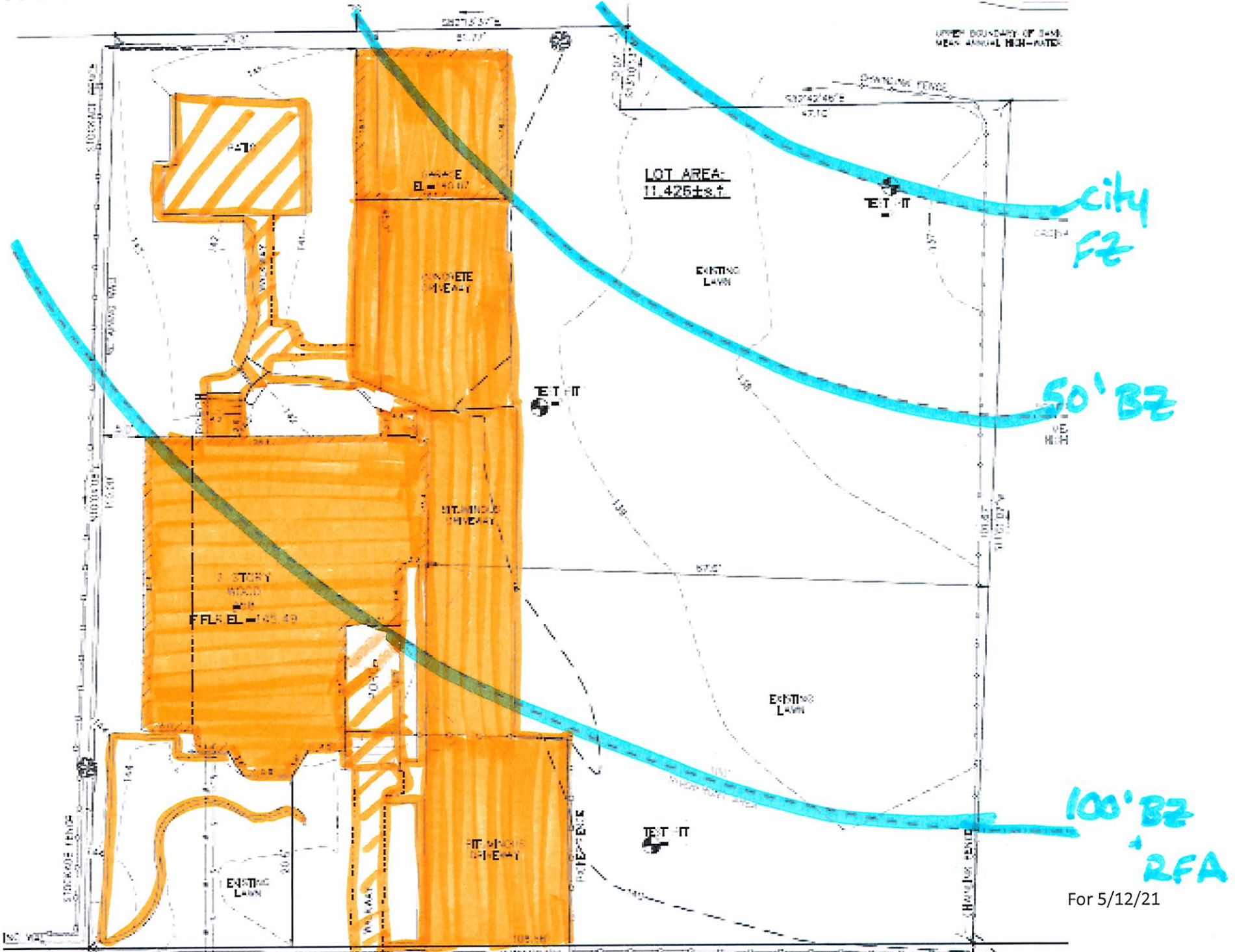
Powered by Esri

Boston College, City of Newton, MassGIS, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Detailed description: This is a screenshot of a web-based GIS application. The main area is an aerial photograph with black lines indicating property boundaries. A yellow star is placed on a house in the center of the map. The interface includes a search bar at the top left with the text '58 everett' and a dropdown menu showing '58 EVERETT ST, NEWTON CENTRE'. On the right, there is a 'Layers' panel and a 'Print' button. The top navigation bar contains the title 'Newton GIS Browser' and several menu items. At the bottom, there is a footer with attribution text and a 'Powered by Esri' logo.

58 Everett Street

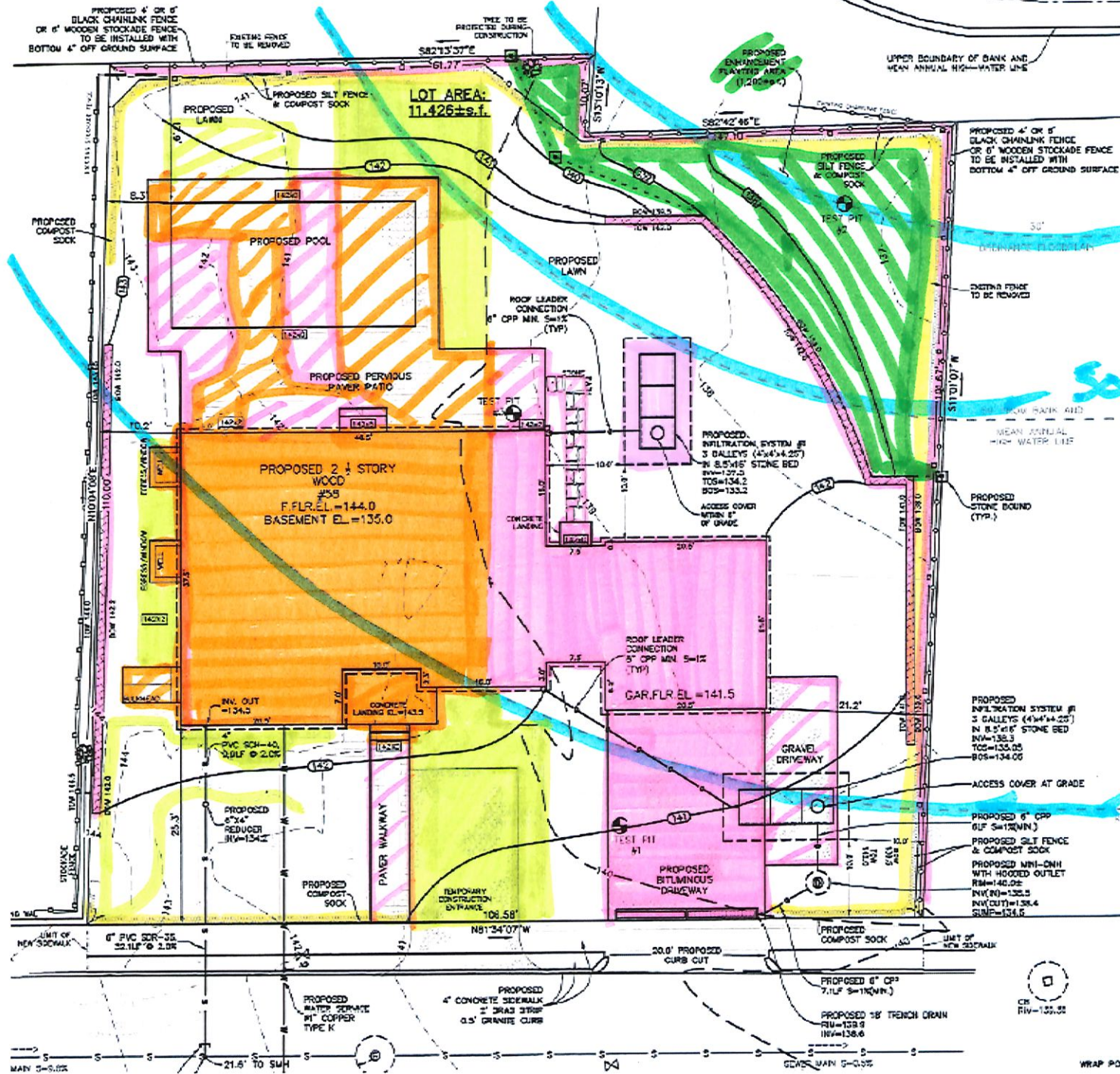
Existing Conditions



For 5/12/21

58 Everett Street

Proposed Conditions



For 5/13/21

WRAP POLE



**PROPOSED ENHANCEMENT PLANTING PLAN (1,200+/- s.f.)**

**SAPLINGS (15' ON CENTER)**

- 1 NORTHERN RED OAK (QUECUS RUBRA; 1.5" CALIPER)
- 1 REDBUD (CERCIS CANADENSIS; 1" CALIPER)
- 4 WHITE SPRUCE (PICEA GLAUCA; 7-8' HEIGHT)

**SHRUBS (3 TO 4' HEIGHT; 6' ON CENTER)**

- 9 SWEET PEPPER-BUSH (CLETHRA ALNIFOLIA)
- 9 BLACK CHOKEBERRY (PHOTINA MELANOCARPA)
- 8 GRAY DOGWOOD (CORNUS AMOMUM)
- 8 INKBERRY (ILEX VERTICILLATA)

**SMALL SHRUBS (6' ON CENTER)**

- 9 LOWBUSH BLUEBERRY (VACCINIUM ANGUSTIFOLIUM; 6-12" HEIGHT)
- 9 BEARBERRY (ARCTOSTAPHYLOS UVA-URSI; 6-12" HEIGHT)
- 8 NORTHERN BUSH HONEYSUCKLE (DIERVILLA LONICERA; 18-24" HEIGHT)
- 8 SWEET FERN (COMPTONIA PEREGRINA; 18-24" HEIGHT)

453-455 Albemarle Road

Aerial

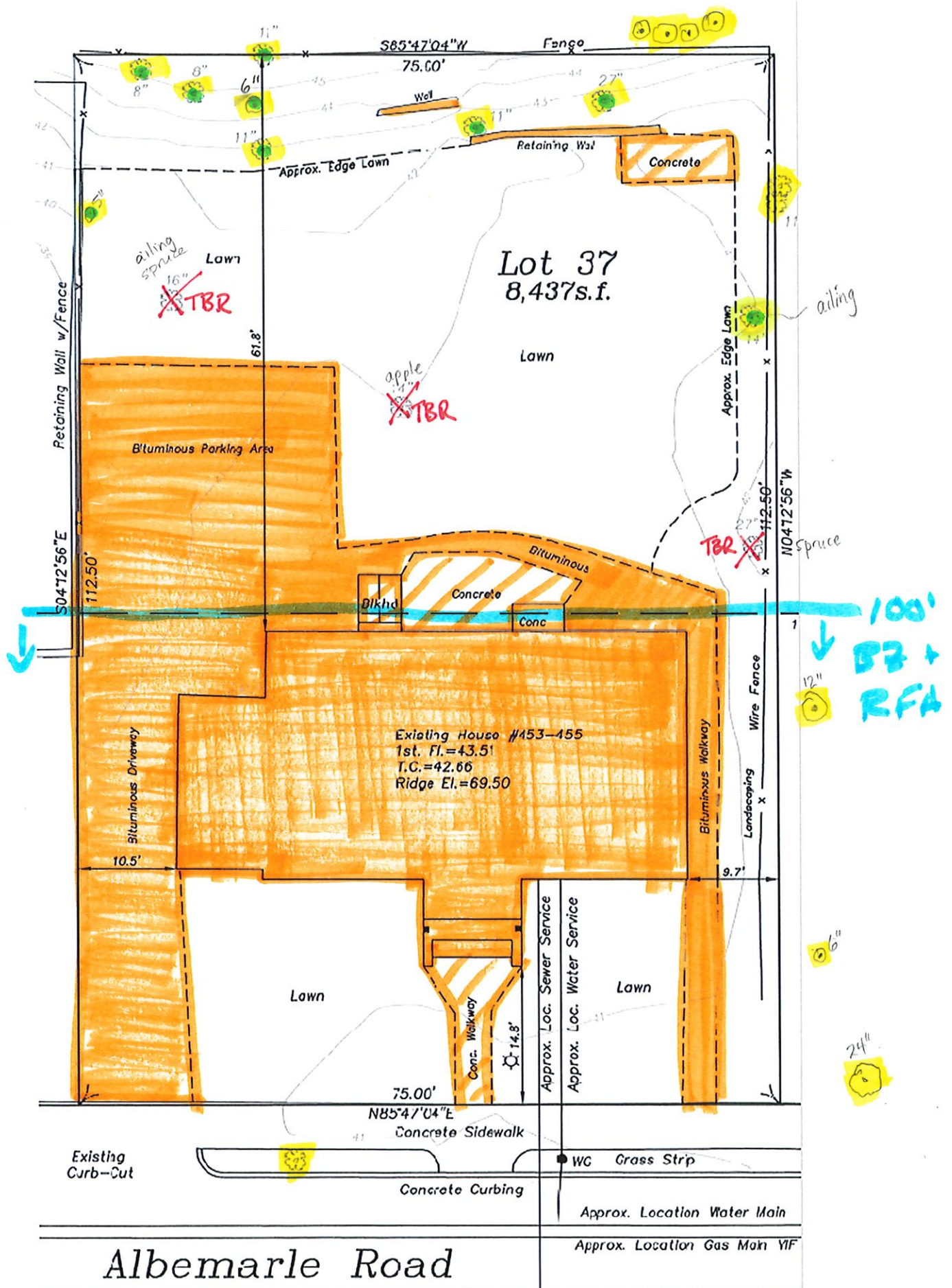
**Newton GIS Browser** [Click a property below for more information](#) [About](#) [Instructions](#) [Data Sources](#) [Map Legend](#)

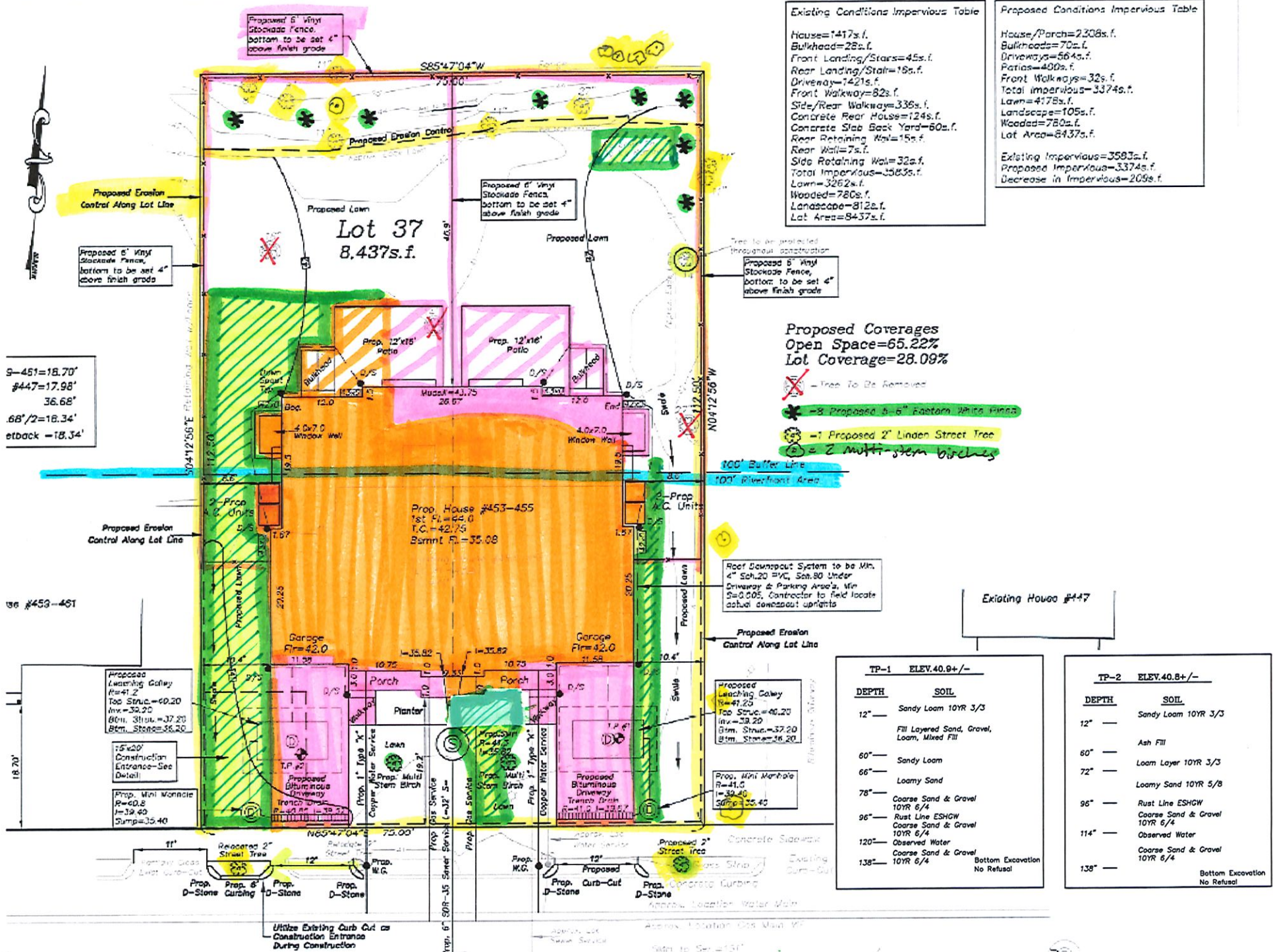
453 albemarle

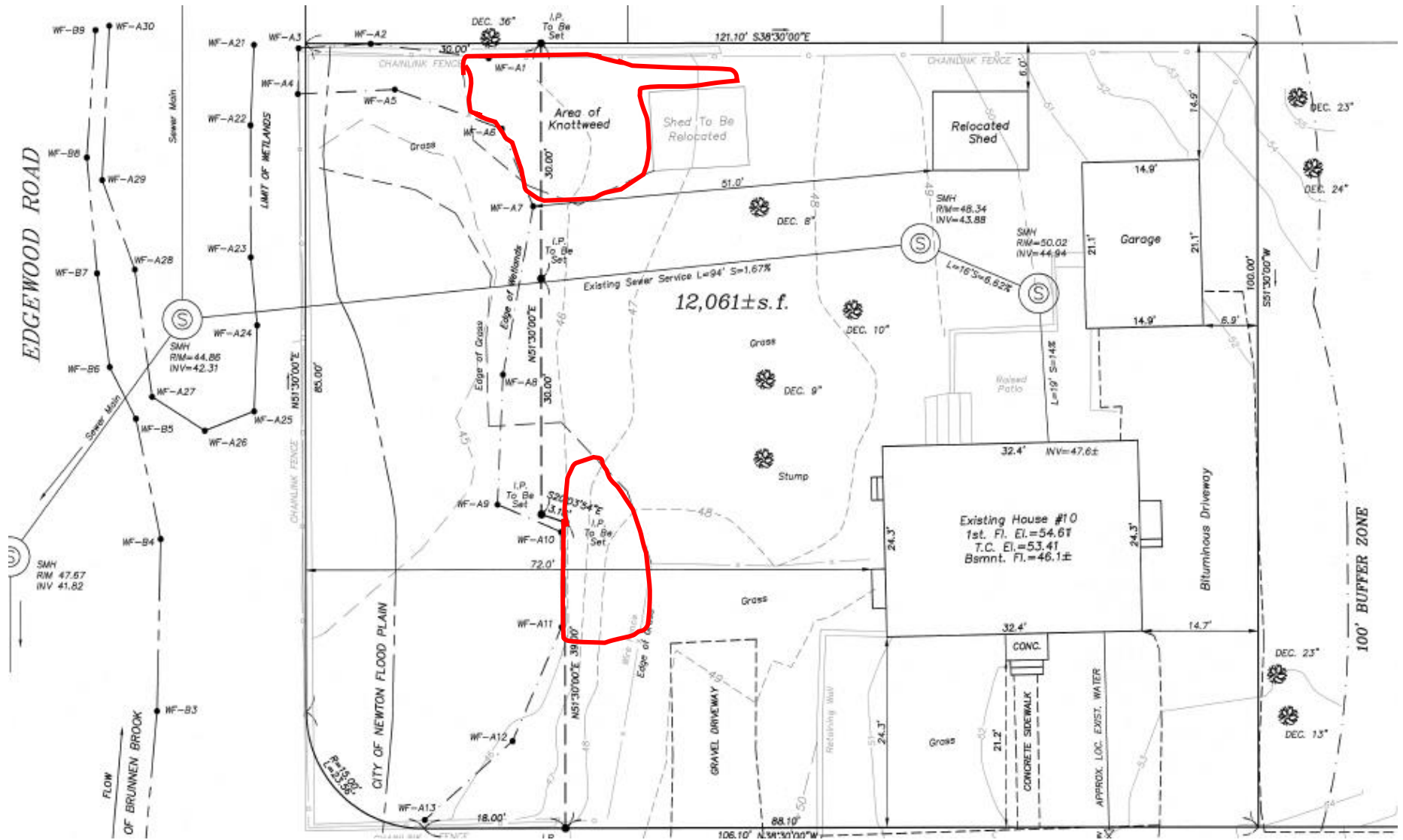
453 ALBEMARLE RD,  
NEWTONVILLE

Layers

City of Newton, City of Waltham, MassGIS, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA Powered by Esri







Cc: Mayor Ruthanne Fuller

City Councilor Brenda Noel

City Councilor Victoria Danberg

City Councilor Alicia Bowman

Parks, Recreation & Culture Commissioner Nicole Banks

Dear Conservation Commissioners:

We are neighbors of the proposed development at 73 Beaconwood Road. We are signing this letter to signify our support for conserving as much as possible of this environmentally sensitive property that is adjacent to Cold Spring Park and Cold Spring Brook.

Currently, the property contains a wetland and/or wetland buffer area and an upper meadow. Neighbors have observed diverse and plentiful wildlife on this property including turtles, frogs, muskrats, snakes and a wide variety of birds. Importantly, this property includes the nesting ground for snapping turtles that live in Cold Spring Park, and who have been observed nesting there for some thirty years.

The proposed development on this property would entail a large structural footprint (large duplex) that would shrink or damage the wetland or buffer area and interfere with the snapping turtle nesting grounds. We are distressed that the developer cut down a number of mature trees, some of which may not even have been on his property; violated conditions of his permit; and showed disregard for the environmental value of this property by retroactively requesting a waiver of the Commission's permit conditions.

We urge you to preserve the natural habitat to the maximum extent possible for the benefit of its neighbors, users of Cold Spring Park, future generations, and for the many wild creatures that it harbors. Please do not allow development on this property that would shrink or damage the wetland or buffer area, or harm the wildlife that uses it. Any environmental damage to the property should be restored.

We encourage the city to consider other options for this property, such as re-joining it with Cold Spring Park, restoring wetlands and buffer area, and/or developing green infrastructure that would reduce the risk of flooding in the neighborhood as well as benefit the ecosystem and wildlife.

Thank you for your consideration.

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Email

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Connell D'souza

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Oleg Pranyich

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Newton, MA

Thank you for your consideration.

Name

Address

Email

*Caroline Sheen*

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NEWTON HIGHLANDS, MA  
02461

sheensining@gmail.com

# CONSERVATION COMMISSION MINUTES

Date: April 22, 2021

Time: 7:00pm – 9:52pm

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

<https://us02web.zoom.us/j/85769490136>

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

**Members Present:** Susan Lunin, Leigh Gilligan, Jeff Zabel, Judy Hepburn, and joining late: Kathy Cade (7:13pm) and Ellen Katz (7:45pm).

**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. 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
- **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.
- **Presentation (John Rockwood and Amy and Scott Krentzman) and Discussion:**
  - The applicant's representative provided context for the site and a summary of the proposed work. All construction access and stockpiling are proposed outside of the Buffer Zone.
  - The applicant's representative provided clarification that the tree that was recently removed from the adjacent property was removed by that property owner. The owner clarified that the tree was in poor health and had partially fallen during a recent storm.
  - The applicant's representative agreed that the trees on the adjacent property should be protected during construction 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.).
  - Staff and the applicant's representative stated that increase in impervious area is very small and that the regulations do not require mitigation for the proposed work. The existing green space is limited and many of the opportunities for mitigation fall on the abutter property.
  - The Commissioners recommended that, if the abutter is interested in replanting where the tree was removed the abutters and the owners should reach out to Conservation staff for recommendations for native plantings.
- **Vote:** To issue a negative 3 and a negative 6 determination with the following conditions for work in buffer zone. [Motion: Jeff Zabel; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (abstain), Gilligan (aye); Vote 5:0:1]
  - Tree protection, in the form of plywood over the root areas, must be installed for the trees along the eastern property boundary.

#### 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:** Continue the hearing



**Mayor**  
Ruthanne Fuller

**Director  
Planning &  
Development**  
Barney Heath

**Chief  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
Environmental  
Planner**  
Claire Rundelli

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

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[www.newtonma.gov](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.



- Documents Presented: Colored plans, site photos, draft OOC
  - Jurisdiction: Buffer Zone, City Floodplain (~45' NAVD88 or 52' CNVD)
  - 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.
  - Discussion:
    - Applicant requested a continuation to the 5/13/21 meeting in order to revise the cut and fill calculations, as the owner asked for a change in the footings of the new deck.
  - Vote: To continue the hearing to 5/13/21. [Motion: Susan Lunin; Second: Leigh Gilligan; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye); Vote 6:0:0]
- 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
  - 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.
  - Presentation (Wayne McManus) and Discussion:
    - The applicant's representative provided a brief summary of the proposed work and clarified that all work is due to be done by hand, as heavy equipment cannot access the rear yard. Concrete will be pumped from the street and all concrete washout will be off-site.
    - The owner provided an explanation for the state of the site, clarifying that a previous interior project to renovate the basement into a 1-bedroom apartment required a significant amount of stone to be dug out of the basement area and it was left piled in the yard 2 years ago. The owner and her representative stated that they could use the stone to replace existing wood retaining walls on the landscape bed closest to the garage. Staff stated that this work would not require permitting, but should be included in the project description.
    - Staff stated that 2:1 mitigation (i.e., 768 s.f. of plantings) should be required and that the Commission should determine the exact square footage and a rough number of plantings they would like to see. The owner stated that she loves the area and is happy to do whatever landscaping is necessary to improve the site. The owner stated that she would like to restore the entire disturbed area in the rear yard, though it is larger than the required area. Staff and the Commissioners determined that 12 shrubs (blueberry or clethra) would be appropriate for the area along with some number of groundcover plants to re-naturalize the area. The owner agreed and will work with staff to determine specific numbers and species to be planted; once species are chosen a sketch plan will be provided.
    - Staff suggested two bounds, one near the side property boundary and then out in the yard marking the two "forward" corners. The Commission determined that 4 bounds marking all corners would be appropriate. The owner stated that this was acceptable.
  - Vote: Vote to close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Jeff Zabel; Second: Leigh Gilligan; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (abstain); Vote 6:0:1]
    - A mitigation and/or restoration planting plan of ~ 770 s.f. in the area identified as "disturbed lawn" must be presented to the Conservation Commission for review and approval.

- The plan must be designed and maintained to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check.
- The plan must include at least 12 native shrubs.
- The plan must include at least 25 native spreading herbaceous/groundcover plants.
- The plan must include 4 bounds (1" iron pipe or 4"x4"x36" stone or concrete post with at least 6" above grade) placed at the up-gradient boundary.
- The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent.
- Prohibitions include:
  - Construction, grading, landscape changes (other than the mitigation planting) outside the limit of work line shown on the approved plan.
  - Concrete washout may not occur within the 200-foot Riverfront Area (i.e., at the rear of the house).
  - Power vehicular access to the rear of the house. All work is to be done by hand.
- Landscape plantings within Commission jurisdiction must:
  - Stabilize all exposed areas.
  - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
  - Be appropriately bounded as shown on the approved plans.
  - 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).
- The required bounded Riverfront mitigation areas shall be maintained in perpetuity in its predominantly natural condition.

#### 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
- 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 (NVBZ) and Conservation Restriction boundary.
- Presentation (Ted Smiley) and Discussion:
  - The applicant's representative provided a summary of the work in front of the Commission for informal review.
  - This site is encumbered by a 20' Conservation Restriction and buffer zone to the bank of Hammond Pond. The applicant's representative clarified that they are trying stay out of the 25' NVBZ, while providing hardscape improvements in the outer 75' of buffer zone.
  - All access and stockpiling would be from and in front of the house, as there is no good access to the back. A crane would have to be used to maneuver materials to and from the rear yard.
  - The applicant team has been working with a number of City departments, including historic, to ensure that the work is done to their requirements and are now coming to the Commission for this informal review to determine what the Commission would be looking for in an NOI application.
  - The Commission asked about the few areas where work breaches the 25' NVBZ and clarified that it is the Commission's interest that all of the area within the 25' NVB be re-naturalized. The applicant's representative stated that they could incorporate those interests into the design.
  - Staff asked if any blasting is going to be anticipated due to the presence of ledge. The applicant's representative stated that it is their goal to do all work by hand and avoid blasting. Commissioner's agreed that the project would take an extremely long time to do all of the work by hand.
  - Commissioners asked for some history on the Conservation Restriction, which was put on the lot when the house was constructed. The current owner was not the original owner, so does not have much additional information.

Staff stated that the CR was intended to help protect the functions and values of Hammond Pond and ensure a buffer zone is continued to be provided for the pond.

- Commissioners stated that there should be a focus on shielding light and noise from the wetland resource area and ensuring there are sufficient native plantings to promote wildlife habitat.
- Commissioners asked about whether there would be a fence around the pool structure, but the applicant's representative stated that their goal is to have an automatic, locking pool cover to protect the pool, and so the hope to avoid a fence in conservation jurisdiction. Staff pointed out that there are some high retaining walls proposed, so wildlife would be barred,
- Commissioners asked about how the applicant would ensure that no material is just dumped over the ESC and into the 25' NVBZ at the pinch points on the property. Staff stated that such a requirement should be included in construction notes/site control notes and will need to be monitored closely to ensure no violations.
- A Commissioner asked if there was any information about the existing wildlife and wildlife habitat in the area. Other Commissioners noted the adjacent parking lot for Star Market which generates a lot of noise and light in the area. Staff stated that it is still natural shoreline and so wildlife movement is important and should be protected.
- The proposed retaining walls presents significant new barriers to wildlife.
- The Commission stated that lighting needs to be carefully designed to ensure there is no impact on wildlife, particularly during sensitive seasons. Conditions on lighting should be detailed and strict.
- Commissioners agreed that the proposed project could be approvable, as the footprint expansion is not large.
- Consensus: The Commission agreed that a Notice of Intent would be necessary for the work and should address:
  - Re-naturalization of areas down slope of retaining walls and areas devoid of vegetation within the 25' NVB.
  - Construction site management and site controls should be very detailed to ensure no breaches of the limit of work.
  - Lighting should be appropriately designed to ensure no impact on the resource area or the wildlife using the resource area.
  - Blasting should be avoided.
  - Suitable mitigation plantings should be provided for the expansion in hardscape and to augment the buffer zone/Conservation Restriction area.

#### 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
- Presentation (Owen Hughes) and Discussion:
  - Staff clarified that there had been request for a COC but when a site visit was made by staff, several issues were noted, including an unpermitted shed within the 50-foot buffer. The new owner (Owen Hughes) is now asking if the shed can remain in its current location, which if approved, would allow for the OOC to be closed out.
  - The applicant noted that there are currently interior renovations occurring (that were administratively approved), but that the discussion this evening addresses a project that was permitted long prior to his recent purchase of the property and the unpermitted shed within the 50-foot buffer zone. The prior owner was going to have moved the shed outside of the 50-foot buffer, but Owen would like to leave it where it is. He stated that the proposed location for the shed is on a slope and would require substantial site preparation and that the proposed location would take up the most desirable lawn space, away from the wetland.
  - Commissioners stated that they feel that additional mitigation should be propose by the owner to “make-up” for allowing the shed to remain.
  - Staff clarified that the area behind the bounds is to be permanently protected and allowed to re-naturalize. The wetland area is not in the best of health and is heavily populated by Japanese knotweed.
  - Commissioners questioned if removal of the invasives could serve as additional mitigation for the shed remaining. The owner said he would love to get rid of the Japanese knotweed but is unsure of the best method. Staff recommended repeated mowing over the years.
  - Commissioners stated that they are comfortable with staff meeting on site with the owner to determine the specific areas of removal, but are concerned about enforcement of the mitigation. Commissioners asked how to ensure that a repeated mowing effort could be ensured. Staff stated that if a years-long effort is required, it cannot

be ensured through a minor plan change. A cut and inject, one-time process could be required as mitigation for the shed and could be completed prior to the issuance of a Certificate of Compliance. An MOU could be drafted for a longer invasive control process.

- Because the Commission was unable to determine an appropriate mitigation plan, they will look to the owner to get an estimate of the cost for treating the knotweed to determine what appropriate mitigation would be.
- Consensus: The discussion will continue at the next hearing to determine the most appropriate treatment of the knotweed as mitigation for allowing the shed to remain.

#### 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:
  - 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.
- Discussion:
  - The Commissioners feel that it is appropriate to put a deadline for receipt of a mitigation plan. As the material deadline for the 5/13/21 is 4/29/21, it may be a tight timeline. There should be a request for materials for the 5/13/21 meeting but a requirement for materials for 6/3/21.
- Consensus: Request materials be submitted for the 5/13/21 meeting, and require materials be submitted for the 6/3/21 meeting if nothing is provided for 5/13/21.

## 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:
  - The Chair opened the discussion by stating that there is quite a bit of new information coming onto the scene regarding native bees vs. honeybees, and that staff and the Commission will continue to educate themselves about the environmental impact of honeybees and see if there are research opportunities within Newton. Tonight's discussion is not about the Commission's policy, but is focused on the license language for the current beekeepers.
  - Staff provided a brief summary of the beekeeping area in Norumbega. Alla and Vasyl Ohorilko stated that they did not have much time last year to develop a good plan before winter started, but have been continuing to learn about effective beekeeping and are interested in planting more wildflowers to support pollinator populations.
  - Commissioners asked for further information from the Ohorilkos:
    - Previous experience with beekeeping -- this is their 4<sup>th</sup> year.
    - Did they took over the hives from David Rielly at Nahanton Park – yes, they are getting those licensed. Judy Dore had been in charge of the process but retired so there have been some delays.
    - How many hives are active at Norumbega -- only 4 have survived, and 1 of those may be in danger.
    - Memberships -- They are members of the Norfolk County Beekeeping Club and mentored under David Reilly for a time prior to his retirement.
    - Plans for this year at Norumbega -- They are hoping to maintain 4 hives at Norumbega in the coming year.
    - Plans for the future -- They are very interested in starting an educational partnership with local elementary schools to teach more about pollination and bees.

- The issue of the ConCom’s policy of only maintaining one “outpost” in Newton (i.e., just Norumbega or Nahanton, not both) -- They are hoping to learn more about where the bees will best survive. Staff felt that the brand new policy should not be enforced this year, as we are already in the season, but that it should be addressed prior to license renewal.
- Staff walked Commissioners through the original Norumbega license language (for David Reilly) and the proposed license language for Norumbega (for the Ohorilkos).
  - Licenses would now be issued for only 1 year with no automatic renewals, to ensure that any policy changes are appropriately incorporated into the beekeeping practices – the Ohorilkos have no issue with a 1-year permit.
  - Staff confirmed that native plantings and educational programming could be discussed over the course of this year.
  - If educational programming demands more than 2 hives next year, the Ohorilkos can bring a proposal to the Commission, but if there is no educational need, hives for the next year would be limited to 2.
- Commissioners asked if there was any coordination with PRC regarding this issue. Staff stated that there has been no formal coordination, but Commissioners stated that PRC staff member Luis Perez Demorizi is a member of the local pollinator group.
- Staff walked the Commission through the license language for the Old Deer Park (Mark Lewis). Commissioners asked for clarification about the reduction to 2 hives, and staff confirmed that if there is no educational demand, that the hives in the Old Deer Park must be reduced to 2 next year.
- Public Comment:
  - Jay Werb (31 Williams Street) – suggested that perhaps the Ohorilkos and Mark Lewis could provide pollen samples to further the information available on what honeybees are focusing on.
  - Mark Lewis (Old Deer Park Beekeeper) and the Ohorilkos stated that they would be willing to work with Jay on setting up pollen traps. Jay Werb will coordinate with the beekeepers and the local scientists interested in data collection to ensure appropriate data collection.
- Vote:
  - To approve license language, as discussed during the meeting, for Alla and Vasyi Ohorilko at Norumbega Conservation Area. [Motion: Susan Lunin; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]
  - To approve license language, as discussed during the meeting, for Mark Lewis at Old Deer Park. [Motion: Susan Lunin; Second: Judy Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]

### 8. Kennard Conservation Area – Weir Structure

- Landowner: Conservation Commission
- Documents Presented: email from abutter, photos
- Discussion:
  - Staff stated that we received 2 resident reports of unusually high standing water within the wetland area of Kennard Conservation Area. Photos were submitting showing the height of the water. The resident’s concern was mosquito breeding.
  - Staff are unsure what caused the high water, potentially a small ice dam or debris clog, but when staff made a site visit, the water had receded significantly.
  - One of the reporting residents made a request that the Commission consider removal of the dam from this location to prevent future high-water situations.
  - Removal of the dam would cause potentially significant modification to the now well-established wetland area. Commissioners also raised concern about the administrative and permitting issues that would be raised with dam removal.
- Consensus: Commissioners agreed that maintaining the existing marsh and wooded wetland is appropriate for now, and due to the many other issues on the Commission’s agenda, that this issue should be tabled for now.

## III. ADMINISTRATIVE DECISIONS

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

- Documents Presented: Draft 4/1/21 minutes

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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.

- Vote: To accept the 4/1/21 minutes as edited. [Motion: Dan Green; Second: Jeff Zabel; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]

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

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#### UPDATES

##### V. WETLANDS UPDATES

- 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** at 9:52pm [Motion: Susan Lunin; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]