

# CONSERVATION COMMISSION AGENDA

June 24, 2021

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, June 24, 2021 at 7:00 pm. No in-person meeting will take place at City Hall.

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

Zoom access information for the June 24, 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.

## DECISIONS

### I. WETLANDS DECISIONS

- (7:00) Crystal Lake – Left Beach Safety Enhancements – NOI – DEP File 239-XXX**
  - Owner: City of Newton Representative: Nicole Banks, Commissioner and Luis Perez Demorizi, Open Space Coordinator, Newton Parks, Recreation and Culture
  - Request: Issue OOC.
- (7:20) 5 Hagen Road – NOI – fence replacement – DEP File #239-XXX**
  - Owner/Applicant: Harvey Aaron Representative: self
  - Request: Issue an OOC.
- (7:35) Charles River Lower Basin – NOI – vegetation management – DEP File #239-XXX**
  - Owner/Applicant: Mass. Department of Conservation and Recreation Representative: Kara Sliwoski, SOLitude
  - Request: Issue an OOC.
- (8:05) 59 Selwyn Road – NOI – fence replacement – DEP File #239-894**
  - Owner/Applicant: Irina Burmenko Representative: John Rockwood, EcoTec, Inc. Engineer: Edmond Spruhan, Spruhan Engineering
  - Request: Issue an OOC.
- (8:30) 240 Old Farm Road – NOI – teardown/rebuild single-family home – DEP File #239-XXX**
  - Owner: Andrey Agamov, 240 Old Farm Road LLC Applicant: Merle/Phyllis Persky, Trustees, Persky Realty Trust Representative: John Rockwood, EcoTec, Inc. Engineer: Richard Volkin, RAV & Assoc., Inc.
  - Request: Issue an OOC.
- (8:55) 99 Andrew Street – NOI – addition onto single-family home – DEP File #239-XXX**
  - Owner/Applicant: Michael Rich Representative: Russ Waldron, Applied Ecological Sciences, Inc. Engineer: Dunn McKenzie
  - Request: Issue an OOC.
- (9:20) 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



**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.

- Request: Determine next steps to ensure compliance.
- 8. (9:30) 194 Dedham Street – COC Request – for an unpermitted tree removal and associated replanting – DEP #239-846**
  - Owner: Ritchie and Denitsa Brown Representative: none
  - Request: Issue COC.
- 9. (9:35) 17 Wayne Road – cont’d NOI – teardown/rebuild single-family home – DEP File #239-892**
  - Owner/Applicant: Jamie Ovadia Representative: Joyce Hastings, GLM Engineering Consultants, Inc.
  - Request: Continue hearing to 7/15/21.
- 10. (9:40) 942-944 Watertown Street – Compliance Discussion – new duplex – DEP File #239-427**
  - Owner/Applicant: Janet Edsall Fields Representative: Stephen Fields
  - Request: Continue discussion to 7/15/21 to allow EcoTec to develop plans.

**II. CONSERVATION AREA DECISIONS**

**III. ADMINISTRATIVE DECISIONS**

- 11. (9:45) Ban on Nip (alcohol) Sales – discussion regarding support letter for council docket**
- 12. (9:55) Minutes of 6/3/21 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.

# CONSERVATION COMMISSION AGENDA

June 24, 2021

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, June 24, 2021 at 7:00 pm. No in-person meeting will take place at City Hall.

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

Zoom access information for the June 24, 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.

## DECISIONS

### I. WETLANDS DECISIONS

1. **(7:00) Crystal Lake – Left Beach Safety Enhancements – NOI – DEP File 239-XXX**
  - **Owner:** City of Newton **Representative:** Nicole Banks, Commissioner and Luis Perez Demorizi, Open Space Coordinator, Newton Parks, Recreation and Culture
  - **Request:** Issue OOC.
  - **Documents Presented:** Plans, site photos, draft OOC
  - **Jurisdiction:** Land Under Wetlands and Waterways
  - **Performance Standards**
    - **LUWW:** 10.56
      - (a) Work shall not impair the following:
        1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;
        2. Ground and surface water quality;
        3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and
        4. The capacity of said land to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions.
        5. Work on a stream crossing ...
      - (c) No project may be permitted which will have any adverse effect on rare species.
  - **Project Summary**
    - Remove 250 linear feet of existing, wooden sand-retaining timbers, along with the driven rebar anchoring system.
    - Remove 7 benches and their concrete footings.
    - Rake existing sand back toward the shore to fill where the timbers and benches were removed and to meet existing grade.
  - **Staff Notes**
    - Applicant should clarify what equipment will be used for the removal of the benches/footing and timber wall/footings.



**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.

- Applicant should clarify whether any fencing will need to be installed to prevent public access to this area during construction.
- Applicant should clarify where and how guard chairs are to be installed/secured.
- 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.
  - Work shall be limited to the Left Beach sandy area only. No vegetation disturbance is permitted under this Order of Conditions.
  - All timbers, fasteners, benches, and footings are to be removed in their entirety for safety reasons.
  - Timbers and benches may be removed with the help of an excavator, parked on the grassy land behind the retaining wall, either by pulling on straps installed by hand around the timbers and benches or by careful grabbing with a bucket with a “thumb”. At no point shall heavy equipment (other than the excavator’s bucket with a “thumb”) enter the beach area, enter the water, or disturb the sediments of Crystal Lake.
  - Raking back of sand to fill holes and meet grade at the base of the retaining wall shall be undertaken by hand (not with an excavator or bobcat).
  - Plywood shall be placed in the construction access route wherever tree roots need protecting.
  - Any areas of the park (within Conservation Commission jurisdiction) that are disturbed by heavy equipment shall be appropriately reseeded/revegetated.
  - No sand shall be added to the beach area without the filing of a new Notice of Intent.
  - Raking of sand by hand may occur as needed to keep sand near the base of the retaining wall.
  - No new construction of docks, boardwalks, or beach area may occur without the filing of a new Notice of Intent.
  - Guard chairs may be ...???

**2. (7:20) 5 Hagen Road – NOI – fence replacement – DEP File #239-XXX**

- Owner/Applicant: Harvey Aaron Representative: self
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, BLSF, City Flood Zone
- Performance Standards
  - **Bordering Land Subject to Flooding: 10.57**
    - Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
    - Work shall not restrict flows so as to cause an increase in flood stage or velocity.
    - Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. ....
  - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
    - (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
    - (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
      - a) Any building or structure for which compensatory storage is provided ...
- Project Summary
  - Replace roughly 80’ of existing damaged tongue and groove, wooden fencing within.
- Staff Notes
  - Damage was done to the existing fence by sidewalk plows on Parker Street.
  - Staff feel that this replacement is appropriate and only impacts roughly 1’ of flood elevation.
- Staff Recommendations: Vote to close the hearing and issue an Order of Conditions with the following special conditions.
  - All fence panels must be raised 4-6” to allow for wildlife passage and the free flow of the highest flood waters.
  - All fencing installed must comply with the City of Newton Conservation Commission’s Guidelines for Construction in Flood Zone.



3. (7:35) Charles River Lower Basin – NOI – vegetation management – **DEP File #239-XXX**

- Owner/Applicant: Mass. Department of Conservation and Recreation Representative: Kara Sliwoski, SOLitude
- Request: Issue an OOC.
- Documents Presented: Plans, site photos, draft OOC
- Jurisdiction: BVW, Bank, LUWW
- Performance Standards
  - **BVW: 10.55(4)**
    - (a) work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of the BVW
    - (b) The ConCom may permit the loss of up to 5000 square feet of BVW when said area is replaced IF: ...
    - (c) The ConCom may permit the loss of a portion of BVW when; ...
    - (d) No project may be permitted which will have any adverse effect on specified habitat sites of rare species
    - (e) No work shall destroy or otherwise impair any Area of Critical Environmental Concern
  - **Bank: 310 CMR 10.54**
    - (a) Work on a Bank shall not impair the following:
      - 1. The physical stability of the Bank;
      - 2. The water carrying capacity of the existing channel within the Bank;
      - 3. Ground water and surface water quality;
      - 4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
      - 5. The capacity of the Bank to provide important wildlife habitat functions. ...
      - 6. Work on a stream crossing ..
    - (b) Structures may be permitted in or on a Bank ...
    - (c) No project may be permitted which will have any adverse effect on specified habitat sites of Rare Species.
  - **LUWW: 10.56**
    - (a) Work shall not impair the following:
      - 1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;
      - 2. Ground and surface water quality;
      - 3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and
      - 4. The capacity of said land to provide important wildlife habitat functions. ...
      - 5. Work on a stream crossing ...
    - (b) The issuing authority may issue an Order to maintain or improve boat channels
    - (c) No project may be permitted which will have any adverse effect on rare species.
- Project Summary
  - Management of invasive species within the Charles River through mechanical harvesting, hand-pulling, Sonar herbicide (active ingredient: fluridone), ProcellaCOR EC herbicide (florpyrauxifen-benzyl), Tribune herbicide (diquat), Clearcast herbicide (imazamox), and Red Eagle/Clipper herbicide (flumioxazin).
  - Conditional use of algaecides for the management of algae blooms, if necessary, in the event of a health hazard.
- Staff Notes
  - DCR is requesting a 5-year Order of Conditions for this project.
  - Four other communities (Cambridge, Boston, Watertown, Waltham) in the Lower Basin are reviewing the same NOI (and one may require and 3<sup>rd</sup> party review).
  - The Commission must determine whether all relevant performance standards for each potentially impacted wetland resource type are being met, and assign appropriate conditions in the Order ensuring those standards.
  - Staff have listed above the wetland resource types that may be impacted by this project.
  - The applicant should provide:
    - Information on each of the herbicides affected species, longevity, persistence in sediments, etc.
    - Information on each of the herbicides “inactive ingredients” possible ecological effects.
    - An actual calendar(s) of the anticipated treatments for the next 5 years (Please clarify the best-case and the worst-case scenarios).
    - The most current reviews of ProcellaCOR since it is new to Massachusetts.
  - The applicant should clarify:
    - How they are meeting the performance standards of each relevant wetland resource type.
    - What became of the comprehensive plans that were to have included more land-based management efforts, educational efforts, etc.?

- Whether new mapping/threshold identification will be provided to the ConCom before treatment this year/every year.
- DMF's authority in Newton's jurisdiction.
- The thresholds for different treatments to be considered.
- Why are three different herbicides needed for the same group of plants?
- What is known about chemical interactions of the proposed herbicides?
- Where launching will take place?
- Where chemicals will be stored?
- Where water chestnuts will be disposed of?
- **Staff Recommendations:** Address the above questions/concerns in conditions and when appropriate, vote to close the hearing and issue an Order of Conditions with special conditions regarding the following issues.
  - Monitoring schedule ...
  - Thresholds for different treatments to be considered ....
  - Treatment schedule ....
  - Reporting provision ....

**4. (8:05) 59 Selwyn Road – NOI – fence replacement – DEP File #239-894**

- **Owner/Applicant:** Irina Burmenko **Representative:** John Rockwood, EcoTec, Inc. **Engineer:** Edmond Spruhan, Spruhan Engineering
- **Request:** Issue an OOC.
- **Documents Presented:** Colored plans, site photos, draft OOC
- **Jurisdiction:** Riverfront Area (**Paul Brook**), BLSF, City Flood Zone
- **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....
  - **Bordering Land Subject to Flooding: 10.57**
    - Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
    - Work shall not restrict flows so as to cause an increase in flood stage or velocity.

---

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.

- Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. ....
- **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
  - (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
  - (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
    - a) Any building or structure for which compensatory storage is provided ...
- Project Summary
  - Demolish northern corner of house, existing rear deck structure with steps, and existing front stoop with stairs.
  - Construct a small area of new foundation for garage expansion; a new bay window; a larger, cantilevered second story; new front stoop with steps; and new rear deck with steps. Replace front walkway to align with new stoop and stairs.
  - Install 660 s.f. mitigation area with 3 saplings and 36 shrubs (of varying sizes).
  - Total increase in degraded RFA is 325 s.f. (IF the area under the cantilevered second floor addition does NOT count towards degraded area)
  - Compensatory storage provided results in an increase of 55.83 c.f. of flood storage capacity
  - No trees are proposed to be removed, and tree protection is proposed for 1 tree on the lot and 2 street trees within jurisdiction (3 trees total).
- Staff Notes:
  - The applicant should provide a detail for tree protection on the plan set to ensure that roots and branches are protected.
  - The cut/fill calculations presented meet the Commission’s policy requiring 110% compensatory storage, however, staff have questions regarding the cut & fill calculations presented, namely:
    - To accomplish 30 c.f. of cut associated with the front walkway the applicant will also have to cut a broad swath of the front lawn. Is that actually the intention?
    - The fill tables have confusing (and duplicative?) titles and given the presentation, the numbers are hard to verify. The applicant should revise these tables to make clearer what is being calculated.
    - The new walkway and driveway will likely be finished above the grade of the lawn for drainage purposes, so there may be additional fill that was not calculated.
  - Staff noted on the site visit that the entire area in front of the existing house appears to have been built up from the sidewalk elevation. Staff would recommend that if the lawn reconstruction is needed after the work on the house, it should be conditioned that this area be made flush with the sidewalk elevation to ensure that no excess of fill is being brought on site to “finish” the lawn area.
  - Staff question whether the area beneath the cantilevered second floor addition should be considered “degraded”. If so, the applicant should provide revised degraded area calculations and a revised mitigation area compensating for the additional increase in degraded area on the site.
  - The mitigation plant species and distribution among saplings/shrubs/groundcovers seems appropriate.
- Staff Recommendations: Await clarification and/or revised materials from the applicant on the above questions/concerns and, when appropriate, vote to close the hearing and issue an Order of Conditions with the following special conditions.
  - If any of the trees on this property are within jurisdiction 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).
  - Lawn must be made level with the sidewalk.
  - Driveway and front walkway must be level with the sidewalk.
  - All structures must comply with the Commission’s Guidelines for Construction in Flood Zone, which prohibit enclosure of the space under the deck with skirting, mesh, lattice, etc. in any way that restricts or impedes the flow of floodwater (see the Guidelines for details). Such compliance must be confirmed for the completed deck/addition/stairs through provision of photos to the Conservation Office.

**5. (8:30) 240 Old Farm Road – NOI – teardown/rebuild single-family home – DEP File #239-XXX**

---

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.

- Owner: Andrey Agamov, 240 Old Farm Road LLC Applicant: Merle/Phyllis Persky, Trustees, Persky Realty Trust  
Representative: John Rockwood, EcoTec, Inc. Engineer: Richard Volkin, RAV & Assoc., Inc.
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area (**Saw Mill Brook**)
- 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. ... 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.”
  - **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....
  - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
    - (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
    - (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
      - a) Any building or structure for which compensatory storage is provided ...
- Project Summary
  - Demolish existing 1,240 s.f. single-family home and associated driveway, front walkway, rear wooden deck with stairs, rear crushed stone/paver/stone patio, and fencing.
  - Construct new ~2,000 s.f. single-family home with associated driveway, front walk, and stormwater management systems (trench drain and infiltration chambers).
  - Total increase of impervious area on site is 659 s.f.
  - Install a 1350 s.f. of mitigation planting area on the west side of the stream. Stone bounds are proposed for the planting area.
  - No trees are proposed to be removed and 5 trees are to be protected.

- Staff Notes:
    - Revised plans have been submitted reducing the fill brought on site, adding swales along the southern and northern property lines to capture run-off travelling towards the abutting lots, reducing the proposed impervious area expansion, and eliminating the enhancement planting area on the east side of the stream.
    - The revised planting area is now 11' wide in its narrowest section, meeting the Commission's new policy.
    - This plan provides very little lawn. Staff are concerned that there will be future requests for increased lawn space, as has been seen in similar project proposals.
  - Staff Recommendations: Vote to close the hearing and issue an Order of Conditions with the following special conditions.
    - If any of the trees on this property are within jurisdiction 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).
    - 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 by the Conservation office in advance).
      - c. Have a survival rate of 100% of total number of trees and shrubs (after 2 growing seasons).
      - d. Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
6. **(8:55) 99 Andrew Street – NOI – addition onto single-family home – DEP File #239-XXX**
- Owner/Applicant: Michael Rich Representative: Russ Waldron, Applied Ecological Sciences, Inc. Engineer: Dunn McKenzie
  - Request: Issue an OOC.
  - Documents Presented: Colored plans, site photos, draft OOC
  - Jurisdiction: Buffer Zone, BLSF, City Flood Zone
  - Performance Standards
    - **Bordering Land Subject to Flooding: 10.57**
      - Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
      - Work shall not restrict flows so as to cause an increase in flood stage or velocity.
      - Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. ....
    - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
      - (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
      - (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
        - a) Any building or structure for which compensatory storage is provided ...
  - Project Summary
    - Demolish existing wooden deck and associated stairs.
    - Construct a 248 s.f. addition and a 796 s.f. deck (not exempt) with associated stairs. Addition and deck to be constructed on 19 helical piles. Entrenched silt fence and compost sock are proposed for erosion controls.
    - Plant 12 shrubs.
    - Remove 7.2. c.f. of soil to compensate for addition and new deck fill.
  - Staff Notes:
    - The flood elevation is 112.5 NAVD88, not 112 according to the flood profile.
    - The fill calculations appear to have errors. The applicant should show the locations of the helical piles and posts and recalculate fill. Staff calculate net fill to be roughly 10.7 c.f., so 11.8 c.f. of storage should be provided at foot for foot elevations, not as a single hole in the ground as shown on the plans.
      - 110-111: ~10 posts
      - 110.5-111: stairs
      - 111-112 19: posts and stairs

- 112-112.5: posts and stairs
- Access is going to be challenging due to the limited space available along the sides of the property with the existing vegetation. The applicant should clarify what equipment will be used and how access to the back yard will be gained. Tree protection for roots, trunks, and branches must be detailed on the plans.
- A twin 12" tree is proposed to be removed. No saplings are proposed in the mitigation plantings because of the extensive canopy coverage in the area, which staff feel is appropriate.
- The applicant may wish to revise the planting plan to replace the proposed arrowwood, which is currently facing a pest in the northeast and may not survive the required 2 growing seasons.
- Staff Recommendations: Address the above questions/concerns in conditions and if appropriate, vote to close the hearing and issue an Order of Conditions with the following special conditions.
  - Landscape plantings within Commission jurisdiction must:
    - e. Stabilize all exposed areas.
    - f. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
    - g. Have a survival rate of 100% of total number of trees and shrubs (after 2 growing seasons).
    - h. Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
  - All structures must comply with the Commission's Guidelines for Construction in Flood Zone, which prohibit enclosure of the space under the deck with skirting, mesh, lattice, etc. in any way that restricts or impedes the flow of floodwater (see the Guidelines for details). Such compliance must be confirmed for the completed deck/addition/stairs through provision of photos to the Conservation Office.
  - Compensatory flood storage must be provided in its entirety as per the plans, by removing \_\_\_\_ cubic feet of soil from the rear yard. This must be illustrated on the as-built plans.
  - If any of the trees on this property are within jurisdiction 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).

**1. (9:20) 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: Determine next steps to ensure compliance.
  - 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.
      - 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.

2. **(9:30) 194 Dedham Street – COC Request – for an unpermitted tree removal and associated replanting – DEP #239-846**
  - Owner: Ritchie and Denitsa Brown Representative: none
  - Request: Issue COC.
  - Documents Presented: none
  - Staff Notes: All required COC materials have been received and a site visit on 6/7/21 confirmed compliance.
  - Staff Recommendations: Vote to issue a Certificate of Compliance.
3. **(9:35) 17 Wayne Road – cont'd NOI – teardown/rebuild single-family home – DEP File #239-892**
  - Owner/Applicant: Jamie Ovadia Representative: Joyce Hastings, GLM Engineering Consultants, Inc.
  - Request: Continue hearing to 7/15/21.
  - Documents Presented: Colored plans, site photos, draft OOC
  - Jurisdiction: Buffer Zone, Riverfront 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:
    - Owners are determining if they would like to move forward with a teardown/rebuild based on the restrictions that would be required by RFA regulations.
  - Staff Recommendations: Vote to continue hearing to 7/15/21, with revised materials due 7/1/21.
4. **(9:40) 942-944 Watertown Street – Compliance Discussion – new duplex – DEP File #239-427**
  - Owner/Applicant: Janet Edsall Fields Representative: Stephen Fields
  - Request: Continue discussion to 7/15/21 to allow EcoTec to develop plans.
  - 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.
  - Staff Notes: The homeowner did hire EcoTec to develop the restoration planting plans for the lots. The project surveyor is refusing to produce an updated as-built based on assessments by EcoTec, so the development of restoration plans has been delayed.
  - Staff Recommendations: Vote to continue discussion to 7/15/21 meeting, with materials due 7/1/21.

## II. CONSERVATION AREA DECISIONS – None at this time.

## III. ADMINISTRATIVE DECISIONS

5. **(9:45) Ban on Nip (alcohol) Sales – discussion regarding support letter for council docket**
  - Documents Presented: Letter from Commission member to Council, draft letter of support from entire Commission
  - Staff Notes: Commissioner Ellen Katz has submitted a letter to the City Council supporting the ban of nip alcohol bottles in the City of Newton.

---

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.

- Staff Recommendations: If there is support from the entire Commission, sign a letter supporting Council Norton's docketed item regarding the ban on selling nip alcohol bottles in Newton.

**6. (9:55) Minutes of 6/3/21 to be approved**

- Documents Presented: Draft 6/3/21 minutes
- Staff Recommendations: Vote to accept the 6/3/21 minutes.

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

---

**UPDATES**

**V. WETLANDS UPDATES**

- Enforcement follow up needed: Newton Yacht Club, Saco Street Condos, CRCK docks.

**VI. CONSERVATION AREA UPDATES**

- Mark Neves' crews got around a few weeks ago on initial touches and continue their work!
- Stairs from the Greenway to the Riverwalk: Awaiting estimate from new contractor.
- Encroachments: 149 Harwich, 170 Suffolk, and 860 Newton are due to be addressed.
- Bees at Norumbega: Staff are working with the licensed beekeepers to ensure the site is in compliance with the license.

**VII. ISSUES AROUND TOWN UPDATES**

- Christina Street Bridge Feasibility Study: Draft report due soon! We have also received word that \$1.6 million for final design and construction was approved through the House Infrastructure Transportation Committee as part of the Surface Transportation Act, and will be moving for a full vote in the House.
- ACROSS trails ground-truthing effort update due.
- Climate Action Plan implementation continues.
- OSRP Implementation: requests have been entered for ARPA funds.
- Stormwater Ordinance: in final review by DPW and Law.
- Flood Ordinance: The Commission will need to update it this year.

**VIII. ADMINISTRATIVE UPDATES**

- Budget discussions continue.
- 

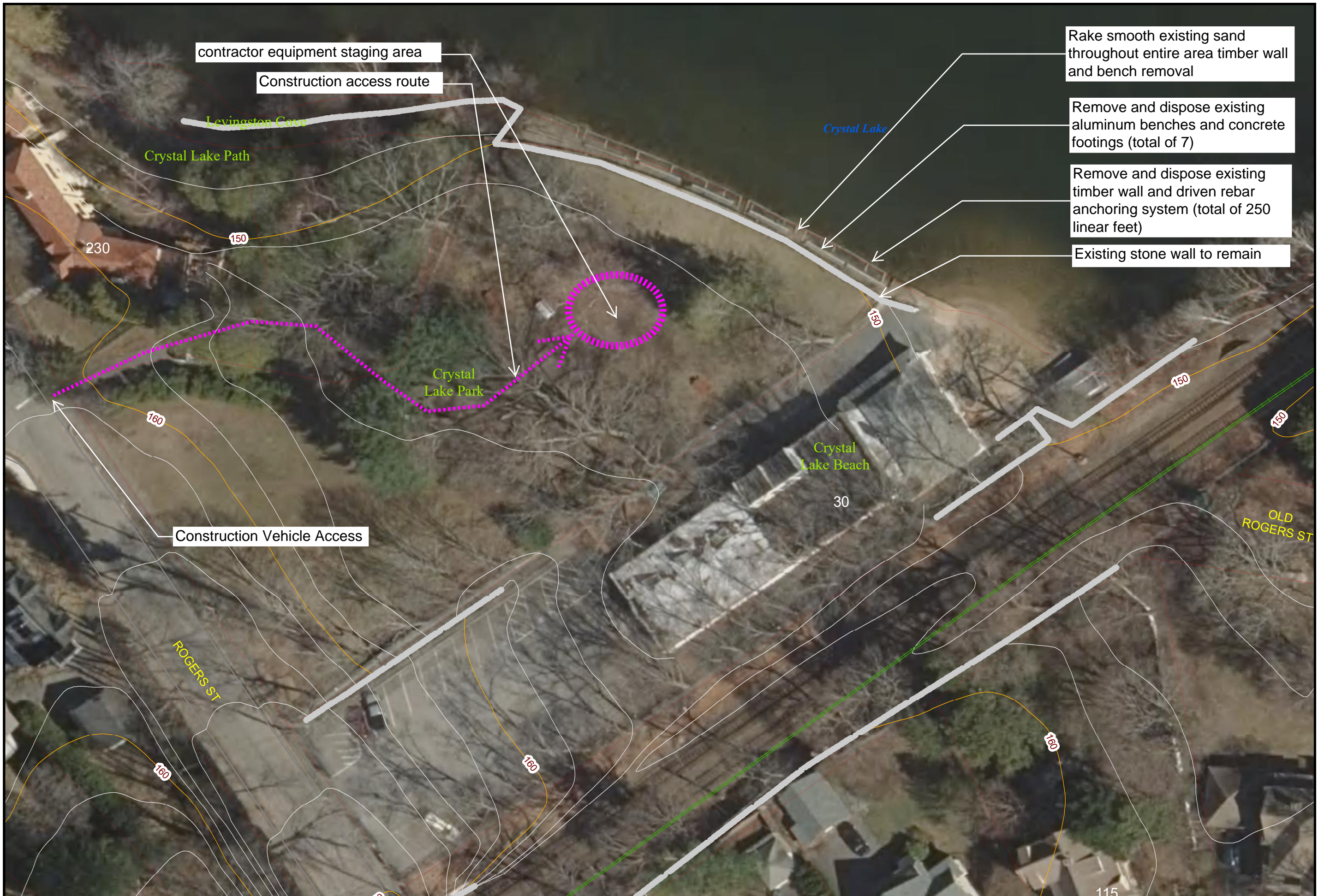
**OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING**

**ADJOURN**



# Crystal Lake Park

City of Newton, Massachusetts



- Rake smooth existing sand throughout entire area timber wall and bench removal
- Remove and dispose existing aluminum benches and concrete footings (total of 7)
- Remove and dispose existing timber wall and driven rebar anchoring system (total of 250 linear feet)
- Existing stone wall to remain

contractor equipment staging area  
Construction access route

Construction Vehicle Access

## Crystal Lake "Left Beach" Removal Plan



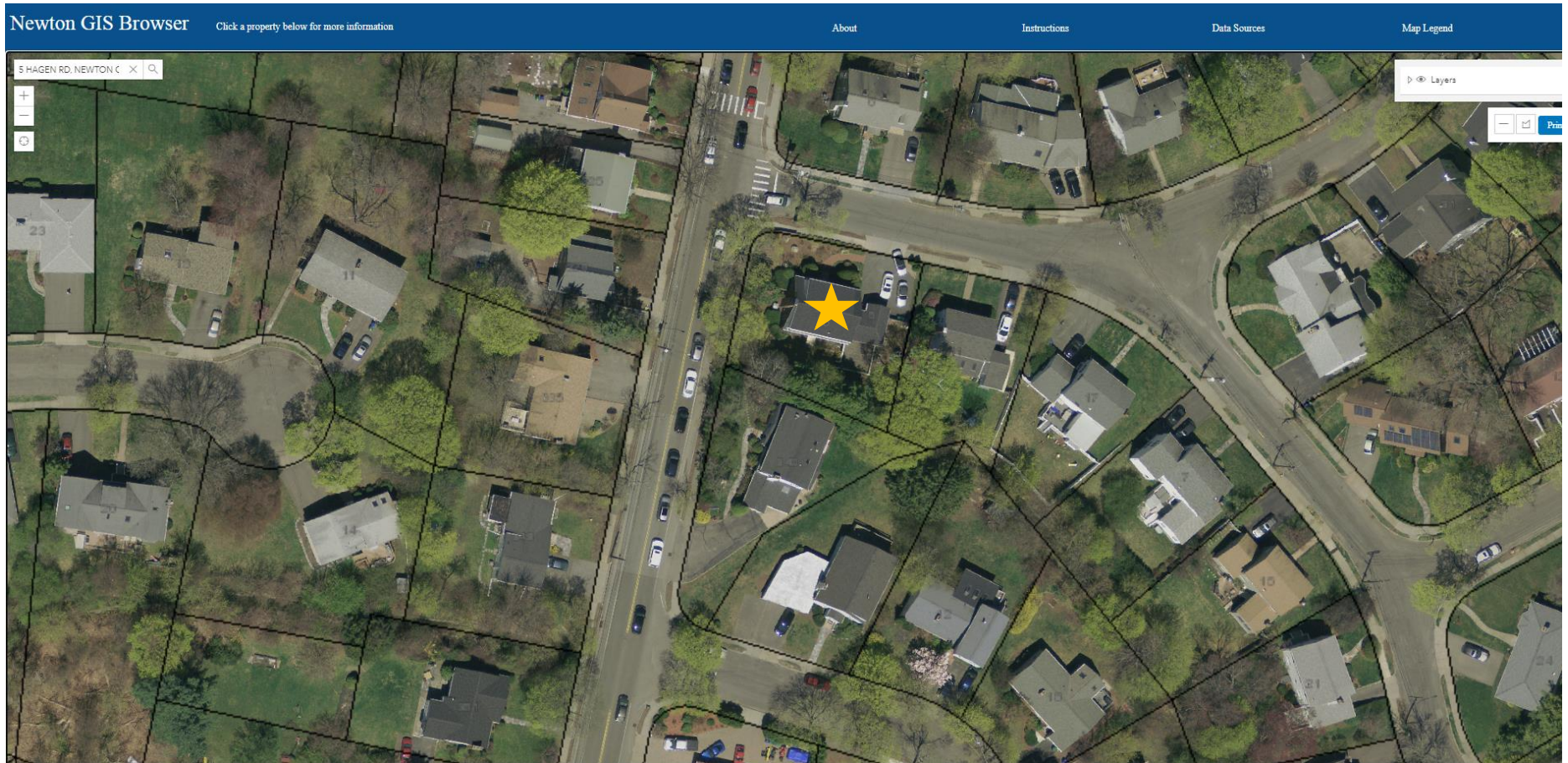
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

Legend	
	MBTA Green Line
	Two Foot Contour
	Ten Foot Contour
	Wall
	Property Boundaries

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller

Map Date: June 08 2021

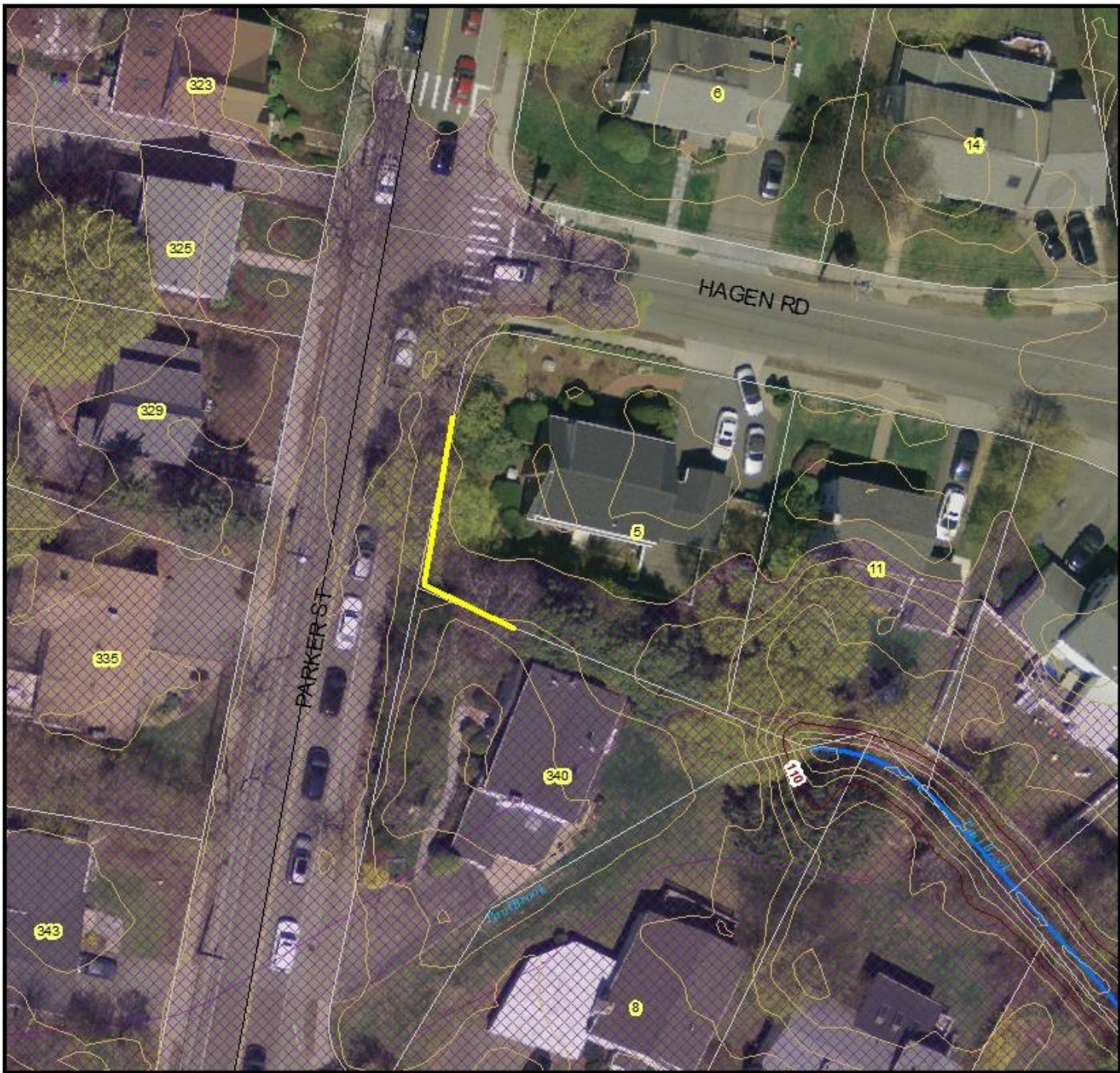








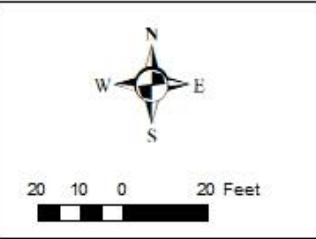




**5 Hagen Rd.  
Fence Replacement**

---

**Newton, Mass.**  
Map Date: 06-03-2021



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



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



## **DCR Application for Aquatic Weed Management in Lower Charles River Basin - Excerpts**

### 5.1 Program Overview

Five-year approval is requested for the implementation of an Aquatic Management Program at the Lower Basin of the Charles River. The goal of the management program is to control growth of invasive, non-native plant species to improve and maintain open water habitat, promote the growth of less pervasive plant species, and provide safe recreational access throughout the river through an integrated management program. This management program has been developed to be compatible with the resource protection and recreational management goals of the Applicant keeping in mind the regulatory responsibilities of the Newton, Watertown, Cambridge and Boston Conservation Commissions and MA DEP as they relate to the WPA. All the proposed management strategies presented in this filing are approved methodologies in the Commonwealth and are included within the *Massachusetts Final Generic Environmental Impact Review*.

As the jurisdiction of this project spans four municipalities, the following management options sought for approval are applicable for all towns based on the species present through the entire Lower Basin. However, municipality specific information is provided to illustrate the anticipated management techniques based on the 2019 survey data. As with any dynamic system, the ability to change and modify the management program is paramount to its success; as such we are seeking approval for a variety of aquatic plant management “tools” with the understanding that not all of them may be utilized over the course of a single year or the life of the Order of Conditions. However, proactive management strategies and the ability to respond as needed can be crucial in reducing future environmental or financial impacts.

Control of aquatic invasive species growth between the Watertown Dam and the New Charles River Dam is the top priority of the management program (Appendix B – Figure 1). By controlling invasive species growth within the Lower Basin, the hope and anticipation is that native aquatic plant species will re-establish into the available space left by the invasives once they are managed. The other objectives of improving water quality and maintaining open water habitat can also be achieved through the proposed management strategies.

Each management season, at least one pre-management survey of the Lower Basin will be conducted towards the beginning of the growing season to assess the overall aquatic invasive species growth to understand the distribution and abundance of the target species. Using the data collected during the survey(s), the management approach for that calendar year will be selected accordingly.

Depending on the timing of the management approach(es), interim surveys during the summer months will be conducted as needed for the respective management approach.

Toward the end of each growing season, a post-management survey of the Lower Basin will be conducted. This survey will collect the same data on an annual basis to allow for comparisons year-over-year. The distribution and abundances of the invasive and native aquatic plant species will be documented to understand the management successes, any potential impacts, and to guide the following calendar year’s management approach(es). A year-end report will be prepared at the end of each year of management and will be inclusive of all survey data, management activities, future management recommendations, and any other pertinent information as it applies to this project.

Specifically, we are requesting approval for use of mechanical harvesting, hand-pulling, Sonar herbicide (active ingredient: fluridone), ProcellaCOR EC herbicide (florpyrauxifen-benzyl), Tribune herbicide (diquat), Clearcast herbicide (imazamox), and Red Eagle/Clipper herbicide

(flumioxazin). Additionally, we are seeking conditional approval for use of algaecides for management of algae blooms, if necessary, in the event of a health hazard. Supplemental information for all proposed management options is provided below in section 5.2.

The proposed herbicides and algaecides specifically affect the target species to be controlled and have a negligible effect on the non-target species and wildlife when applied in accordance with the label directions. All products are applied at or below suggested doses according to the product label. All doses are based on plant types and densities, so that a minimum amount of the chemicals is introduced into the waterbody. Prior to any given year's initial application, a License to Apply Chemicals permit will be obtained from MA Department of Environmental Protection.

The initial year of management is anticipated to be a spot-treatment approach utilizing ProcellaCOR EC (florpyrauxifen-benzyl) herbicide to target Eurasian watermilfoil growth, which is the most prevalent aquatic invasive species in the Lower Basin. The areas of treatment would focus on milfoil growth observed during the pre-management survey effort as well as the 2019 survey. Additionally, hand-pulling of water chestnut plants will be utilized as necessary based on growth observed. This overall approach allows for control of Eurasian watermilfoil growth in the near term, with the anticipation of a "whole-river" low-dose Sonar (fluridone) herbicide treatment program once the Lake District portion of the river has obtained permits to proceed with management.

No significant alteration to the wetland resource areas will occur as a result of the proposed aquatic plant management program; instead, the resource areas will be enhanced by controlling non-native, invasive aquatic plant species, improving water quality, and improving wildlife habitat.

As previously mentioned, there is a floating wetland island in the Cambridge portion of the River. With our proposed management strategies (primarily herbicides), even those not anticipated for immediate use, there should be negligible, if any, impacts to the plant species currently on the island at the applicable application rates for control of the target species within the River.

The Lower Basin of the Charles River is also under the jurisdiction of the Massachusetts Division of Marine Fisheries (DMF). During each calendar year in which an herbicide treatment takes place, a basic water quality monitoring program will be implemented. The monitoring program will coordinate with DMF's requirements and/or recommendations to ensure the fish species within the Lower Basin are protected. It is also understood there will be a DMF time of year restriction on management activities to protect the running and spawning of the fish; for other similar projects, this has been from April 1 to June 15 or 30. Prior to filing this Notice of Intent application, a meeting was held with various DMF and Division of Fish and Wildlife staff to present the project to them for feedback.

#### 5.1.1 Anticipated Newton Management

The Newton portion of the Lower Basin of the Charles River is the smallest municipal section within this Notice of Intent filing, contributing approximately 11 acres of the roughly 705 acres. Approximately 21 of the total survey points were located within the Newton boundaries of the River. Approximately 18 of those 21 points supported Eurasian watermilfoil growth; 4 points supported fanwort growth; 3 points supported curlyleaf pondweed; and 1 point supported spiny/brittle naiad.

Based on the species and growth observed, management within the Newton portion of the Lower Basin is anticipated to include the following approaches:

- Hand-pulling of water chestnut plants, as needed
- Sonar (fluridone) herbicide for control of Eurasian watermilfoil, fanwort, curlyleaf pondweed, spiny/brittle naiad
- ProcellaCOR (florpyrauxifen benzyl) herbicide for control of Eurasian watermilfoil
- Tribune (diquat) herbicide for control of Eurasian watermilfoil, curlyleaf pondweed, spiny/brittle naiad
- Red Eagle/Clipper (flumioxazin) herbicide for control of Eurasian watermilfoil, fanwort, curlyleaf pondweed, spiny/brittle naiad

As almost all of the survey points within Newton contained Eurasian watermilfoil growth, spottreatments utilizing ProcellaCOR EC in 2021 are anticipated. The final treatment areas will be determined following the pre-management survey so they can be coordinated appropriately based on Watertown's milfoil distribution.

#### **Impacts Specific to the Wetlands Protection Act using Fluridone**

- Protection of public and private water supply – Generally neutral, but may have detriment at high doses (prohibition within ¼ -mi. of drinking water intakes at doses >20 ppb)
- Protection of groundwater supply – Generally neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction)
- Protection of land containing shellfish - Generally neutral (no significant interaction)
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

#### **Impacts Specific to the Wetlands Protection Act using Diquats**

- Protection of public and private water supply – Benefit (water quality improvement)
- Protection of groundwater supply – Neutral (no interaction as diquat is adsorbed to soil particles)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake
- Protection of land containing shellfish - Generally neutral (no significant interaction), but reduced algae might reduce food resources for shellfish, and direct toxicity is possible under unusual circumstances
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

#### **Impacts Specific to the Wetlands Protection Act using Imazamox**

- Protection of public and private water supply – Generally neutral, but may have detriment at high doses (setback of treatment required, with distance based on dose and area treated)
- Protection of groundwater supply – Neutral (no interaction)
- Flood control - Neutral (no significant interaction)

- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake
- Protection of land containing shellfish - Generally neutral (no significant interaction)
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

#### **Impacts Specific to the Wetlands Protection Act using Flumioxazin**

- Protection of public and private water supply – Benefit (water quality improvement)
- Protection of groundwater supply – Neutral (no interaction as flumioxazin has a low leaching potential)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake
- Protection of land containing shellfish - Generally neutral (no significant interaction), but reduced algae might reduce food resources for shellfish, and direct toxicity is possible under unusual circumstances
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

#### **Impacts Specific to the Wetlands Protection Act using Copper<sub>6</sub> and Peroxide Algaecides**

- Protection of public and private water supply – Benefit (used to control algae)
- Protection of groundwater supply – Neutral (no significant interaction)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution - Generally neutral (no significant interaction), but could be a detriment if algae/plant die-off causes low oxygen at the bottom of the lake or causes release of taste and odor compounds or toxins
- Protection of land containing shellfish - Generally neutral (no significant interaction), but reduced algae might reduce food resources for shellfish, and direct toxicity is possible under unusual circumstances.
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, direct toxicity)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, direct toxicity)

#### **Impacts Specific to the Wetlands Protection Act<sup>7</sup> using Mechanical Harvesting**

- Protection of public and private water supply – Generally neutral (no significant interaction), although reduced plant density may benefit taste and odor control and minimize clogging of intakes
- Protection of groundwater supply – Generally neutral (no significant interaction)
- Flood control – Generally neutral (no significant interaction)

- Storm damage prevention – Generally neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if sediment disruption and resultant turbidity are high, or if cut vegetation is left in the water to decay
- Protection of land containing shellfish – Generally neutral (no significant interaction)
- Protection of fisheries – Detriment from mechanical harvesting (direct fish removal), but with potential benefit by habitat improvement (may have benefit and detriment to different species in same lake from same effort)
- Protection of wildlife habitat - Potential benefit by habitat improvement, but may have benefit and detriment to different species in same lake from same effort

#### **Impacts Specific to the Wetlands Protection Act using Hand-Pulling**

- Protection of public and private water supply – Generally neutral (no significant interaction), although reduced plant density may benefit taste and odor control and minimize clogging of intakes
- Protection of groundwater supply – Generally neutral (no significant interaction)
- Flood control – Generally neutral (no significant interaction)
- Storm damage prevention – Generally neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction)
- Protection of land containing shellfish – Generally neutral (no significant interaction)
- Protection of fisheries – Potential benefit by habitat improvement (may have benefit and detriment to different species in same waterbody from same effort)
- Protection of wildlife habitat - Potential benefit by habitat improvement, but may have benefit and detriment to different species in same waterbody from same effort

#### **6.0 Alternatives Analysis:**

Alternatives to the proposed Aquatic Plant Management Plan were considered.

*Bottom/Benthic Weed Barriers: Not Recommended*

*Diver Hand-Pulling or Diver-Assisted Suction Harvesting (DASH): Not Recommended*

*Mechanical Harvesting: Recommended*

*Biological: Not Recommended*

*Sediment Excavation/Dredging: Not Recommended*

*Do Nothing: Not Recommended*

#### **7.0 Compliance**

*Massachusetts Wetlands Protection Act:*

The objective of this project is to control invasive species. Managing densities of non-native species will typically not adversely affect wildlife habitat and will not negatively impact other interests of the Massachusetts Wetlands Protection Act. No significant alteration to wetland resources areas will occur as a result of the proposed management program; instead the resource areas will be enhanced by controlling the nuisance plant and algae growth. The proposed management activities are consistent with the guidelines in the following documents:

- Final Generic Environmental Impact Report: Eutrophication and Aquatic Plant Management in Massachusetts (June 2004)
- Guidance for Aquatic Plant Management in Lakes and Ponds: As it Relates to the Wetlands Protection Act (April 2004 – DEP Policy/SOP/Guideline # BRP/DWM/WW/G04-1)
- The Practical Guide to Lake Management in Massachusetts (2004)

### **8.0 Impacts of the Proposed Management Plan Specific to the Wetlands Protection Act:**

Protection of public and private water supply – The Lower Basin of the Charles River is not used directly as a drinking water supply. Aquatic herbicide treatment at the river will not have any adverse impacts on the public or private water supply, when used in accordance with the project label and conditions of the MA DEP License to Apply Chemicals.

Protection of groundwater supply – According to available studies, there is no reason to believe that the groundwater supply will be adversely impacted by the proposed management strategies, specifically the application of the herbicides at the proposed rates to the Lower Basin of the Charles River, when used in accordance with the product labels. Contamination of groundwater by aquatic herbicides is limited by their low rate(s) of application, rapid rate of degradation, and uptake by target plants. SŌLitude’s State licensed applicators take all necessary precautions when mixing and disposing/recycling of all chemical containers.

Flood control and storm damage prevention – No construction, dredging or alterations of the existing floodplain and storm damage prevention characteristics of the river are proposed. However, in some instances, abundant and excessive aquatic plant growth can contribute to high water and flooding. Most commonly this occurs in the vicinity of waterbody outlets or water conveyance channels and structures. The unmanaged annual growth and decomposition of abundant plant growth is also known to increase sediment deposition at an accelerated rate. Therefore, the proposed management approaches may increase the capacity of the resource area over the long-term to provide flood protection.

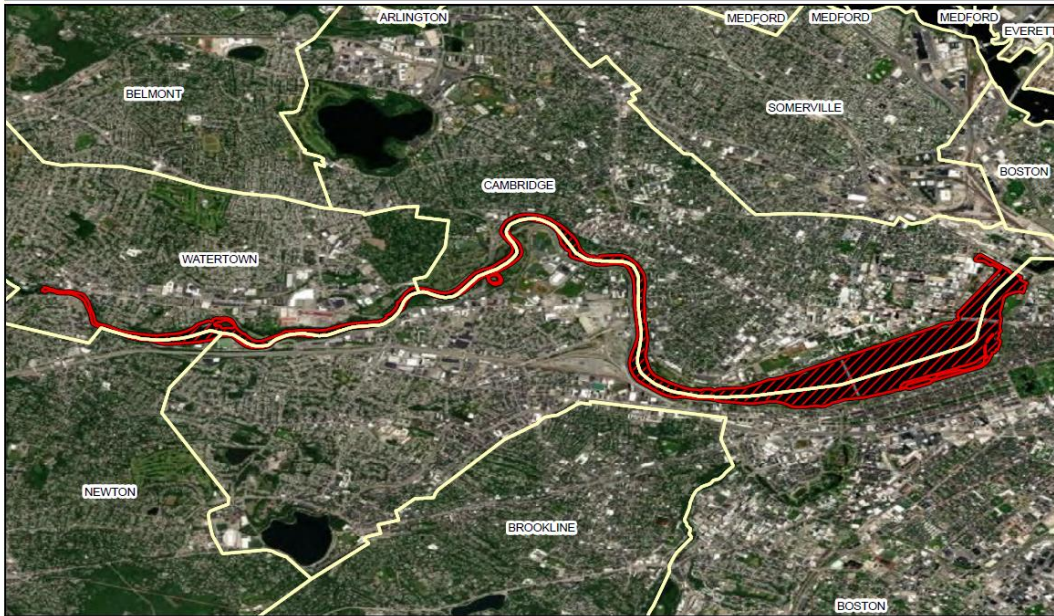
Prevention of pollution – No degradation of water quality or increased pollution is expected by the proposed management approaches. The proposed herbicides are relatively slow acting in controlling the nuisance vegetation. This results in a slow release of nutrients from the decaying plants, reducing the potential for increases in nutrients that can cause algae blooms. Removal of the excessive growth of aquatic vegetation will contribute to improved water circulation and a reduction in the potential for anoxic conditions. The post-management decrease in plant biomass will help to decrease the rate of eutrophication currently caused by the decomposing of excessive plant material.

Protection of fisheries and shellfisheries – Contiguous, dense beds of aquatic vegetation provide poor habitat for most species of fish. Dense plant cover frequently results in significant diurnal fluctuations in dissolved oxygen as well as oxygen depletion during certain times of the year. While temporary effects on some desirable submersed and floating-leaved species may occur following the application of an aquatic herbicide, non-target plants typically rebound quickly. Shoreline emergent plants will not be impacted following the use of aquatic herbicides.

Protection of wildlife and wildlife habitat – In general, excessive and abundant plant growth, especially non-native plants, provides poor wildlife habitat for fish and other wildlife. The proposed management plan is expected to help prevent further degradation of the waterbody through excessive weed growth and improve the wildlife habitat value of the pond in the long-term. Maintaining a balance of open water and vegetated areas is intended.



Figure 1: Charles River - Lower Basin Extent



~BOL~Charles River~BOL~  
Newton, Watertown,  
Cambridge, & Boston, MA  
Middlesex & Suffolk  
Counties



Charles River - Lower Basin

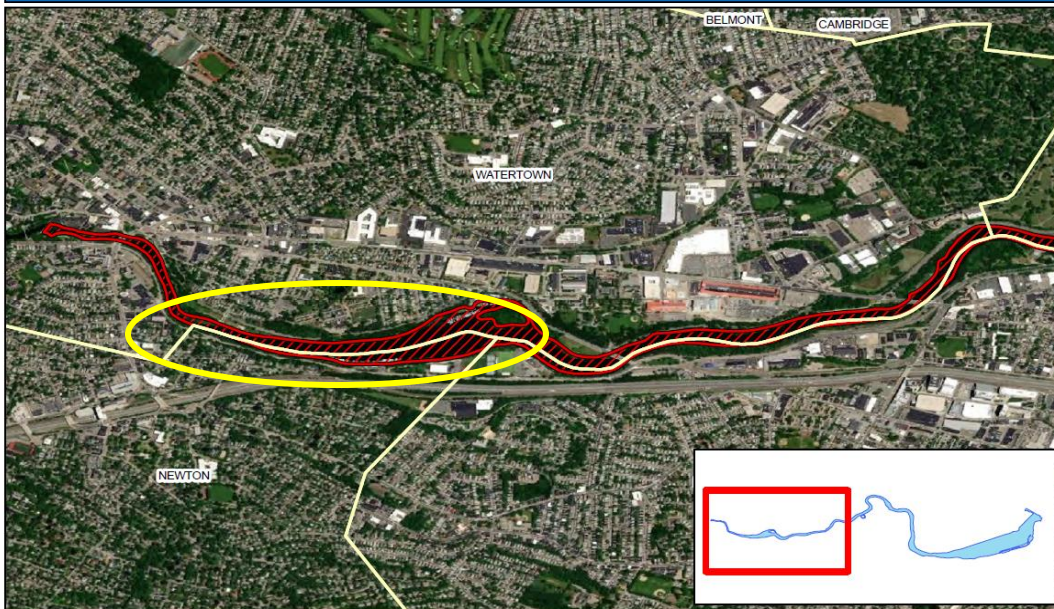
1:55,000

0 2,250 4,500 9,000  
Feet



Map Date: 05/01/21  
Prepared by: KMS  
Office: SHREWSBURY, MA

Figure 2: Charles River - Watertown and Newton Portions



Charles River  
Newton, Watertown,  
Cambridge, & Boston, MA  
Middlesex & Suffolk  
Counties



Charles River - Lower Basin

1:22,000

0 1,000 2,000 4,000  
Feet



Map Date: 05/01/21  
Prepared by: KMS  
Office: SHREWSBURY, MA



Figure 5: Charles River - Watertown and Newton Survey Points



Charles River  
Newton, Watertown,  
Cambridge, & Boston, MA  
Middlesex & Suffolk  
Counties

Charles River - Lower Basin

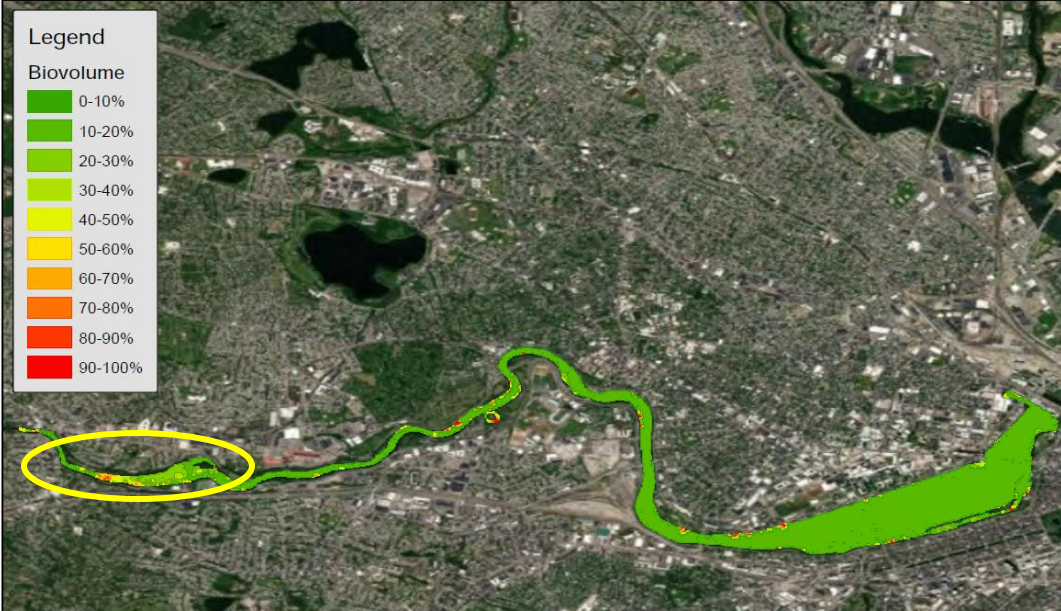
1:22,000

0 1,000 2,000 4,000  
Feet



Map Date: 05/01/21  
Prepared by: KMS  
Office: SHREWSBURY, MA

Figure 1: Biovolume  
August 5-6, 2019



Legend

Biovolume

- 0-10%
- 10-20%
- 20-30%
- 30-40%
- 40-50%
- 50-60%
- 60-70%
- 70-80%
- 80-90%
- 90-100%

Charles River  
Boston, MA

Charles River - Watertown-Fenway

1:51,886

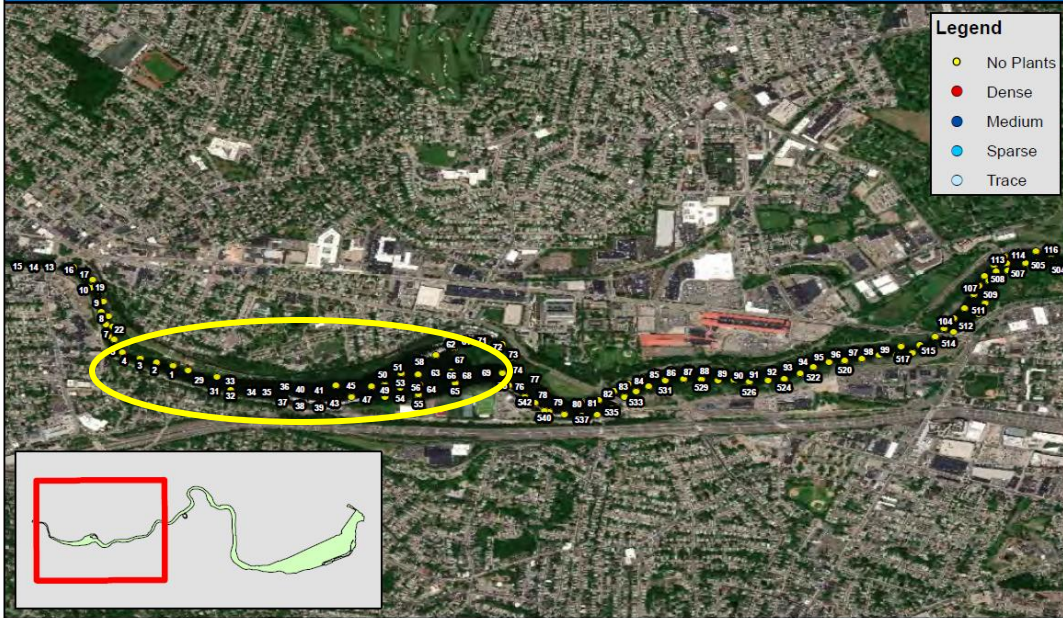
0 2,050 4,100 8,200  
Feet



Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Survey Points - Watertown  
September 9-12, 2019



Charles River  
Boston, MA

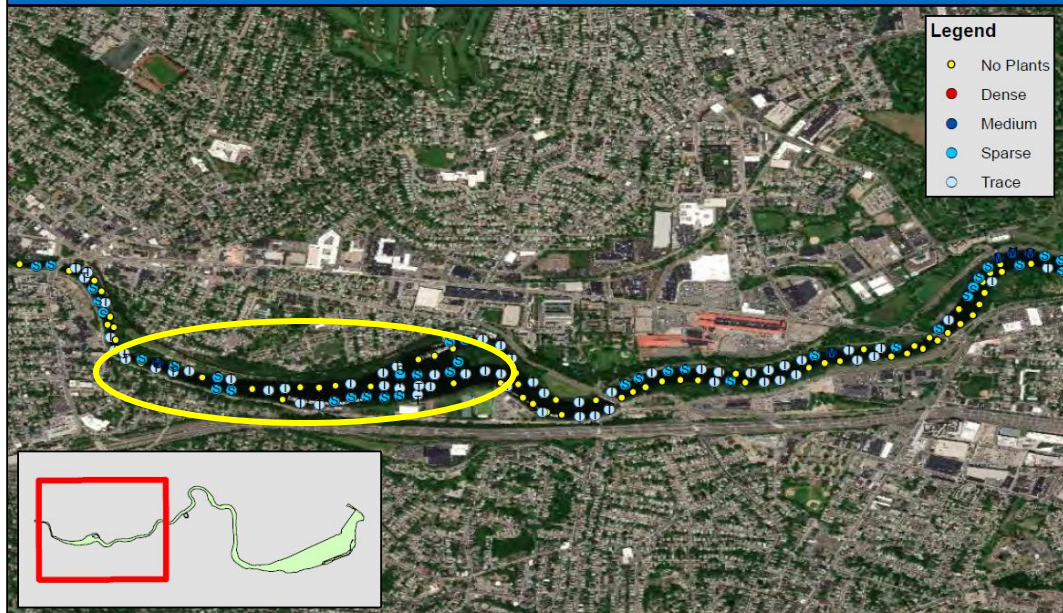
Charles River - Watertown

1:19,801

0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

Eurasian Watermilfoil (*Myriophyllum spicatum*) Abundance - Watertown  
September 9-12, 2019



Charles River  
Boston, MA

Charles River - Watertown

1:19,801

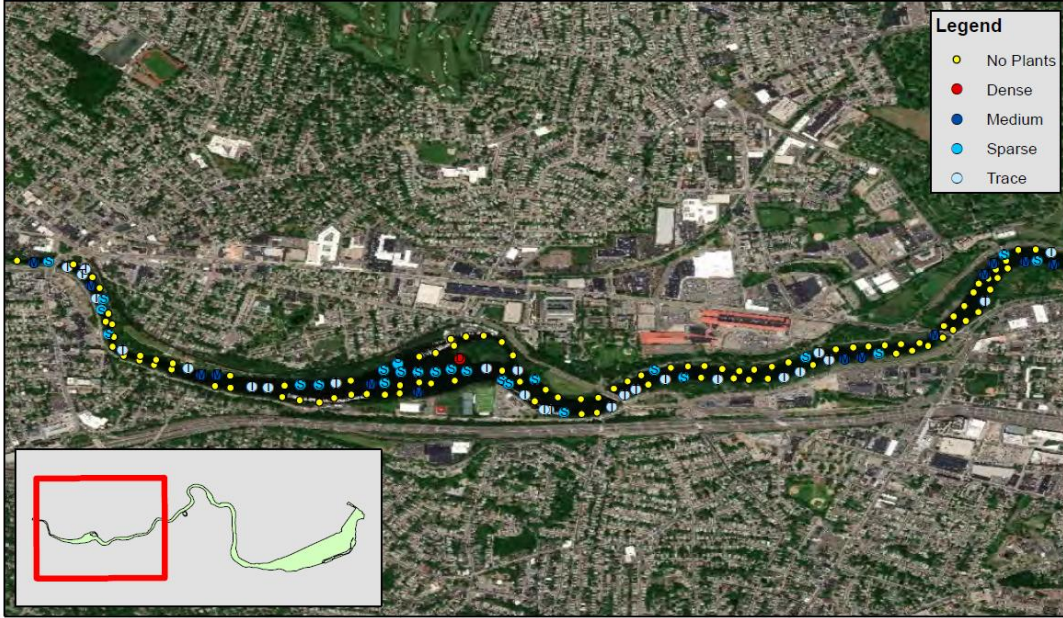
0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Southern Naiad (*Najas guadalupensis*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888-480-5253  
solitudelakemanagement.com



Charles River  
Boston, MA

Charles River - Watertown

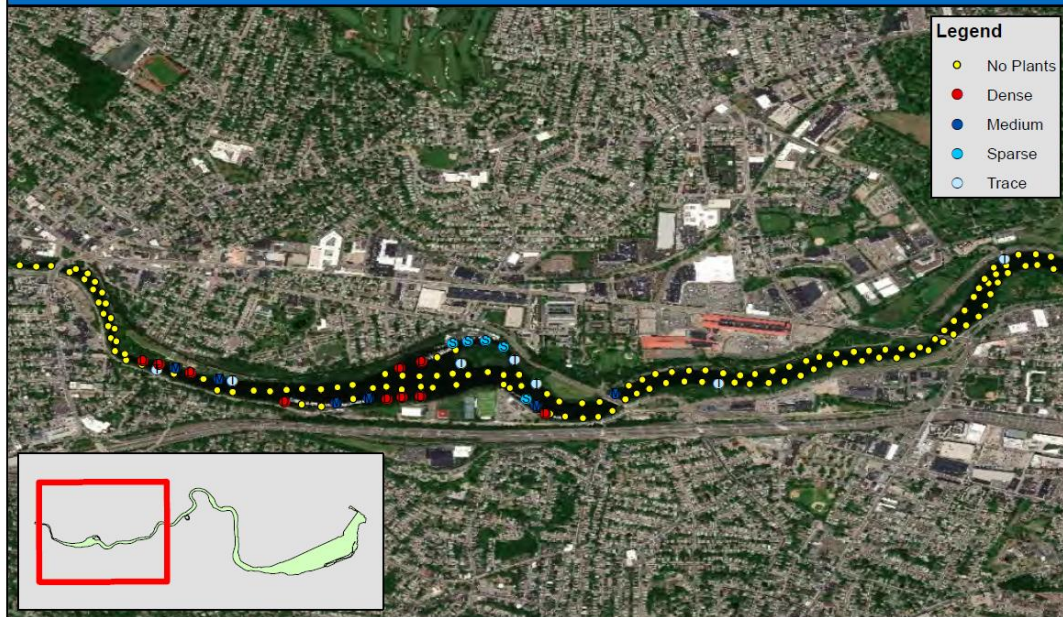
1:19,801

0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

White Waterlily (*Nymphaea odorata*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888-480-5253  
solitudelakemanagement.com



Charles River  
Boston, MA

Charles River - Watertown

1:19,801

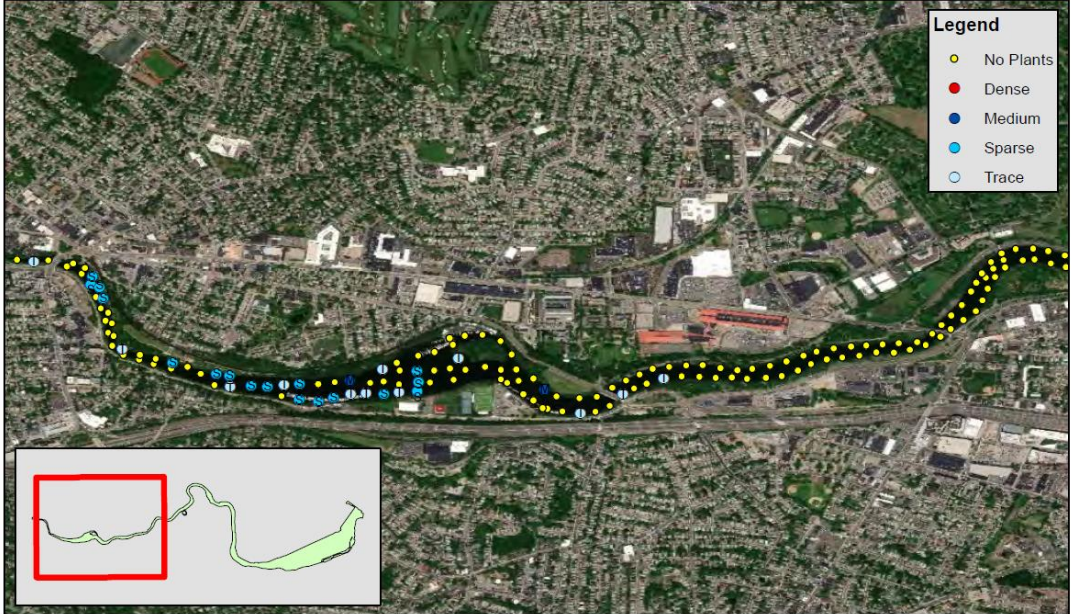
0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

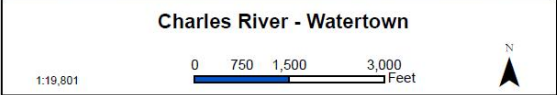
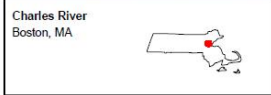


Tapegrass (*Vallisneria sp.*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
scitudelakemanagement.com



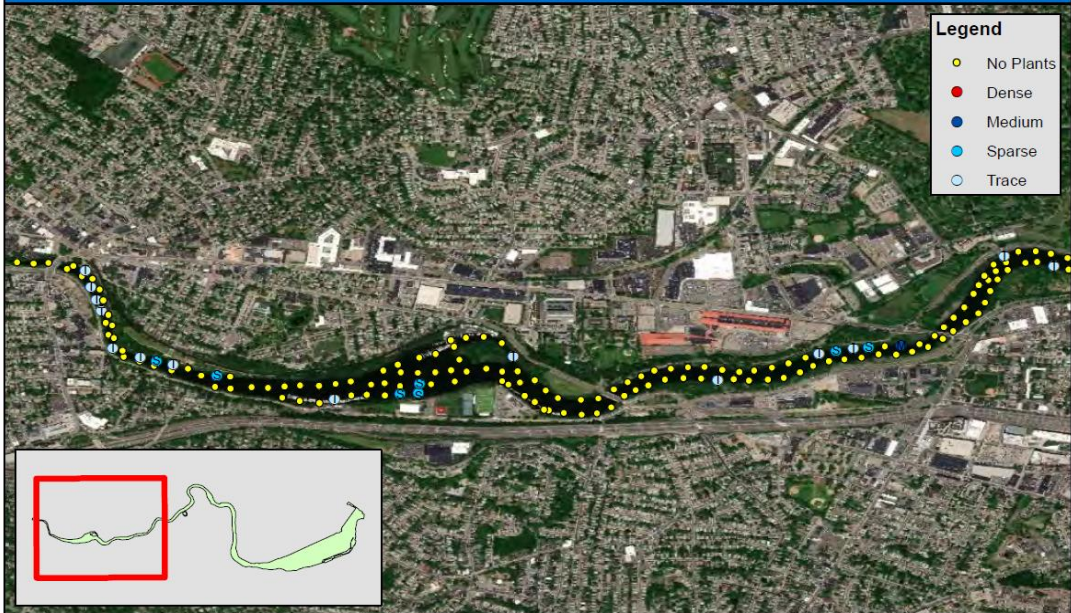
- Legend**
- No Plants
  - Dense
  - Medium
  - Sparse
  - Trace



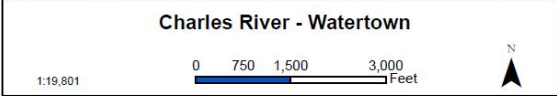
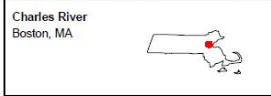
Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

Fanwort (*Cabomba caroliniana*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
scitudelakemanagement.com



- Legend**
- No Plants
  - Dense
  - Medium
  - Sparse
  - Trace

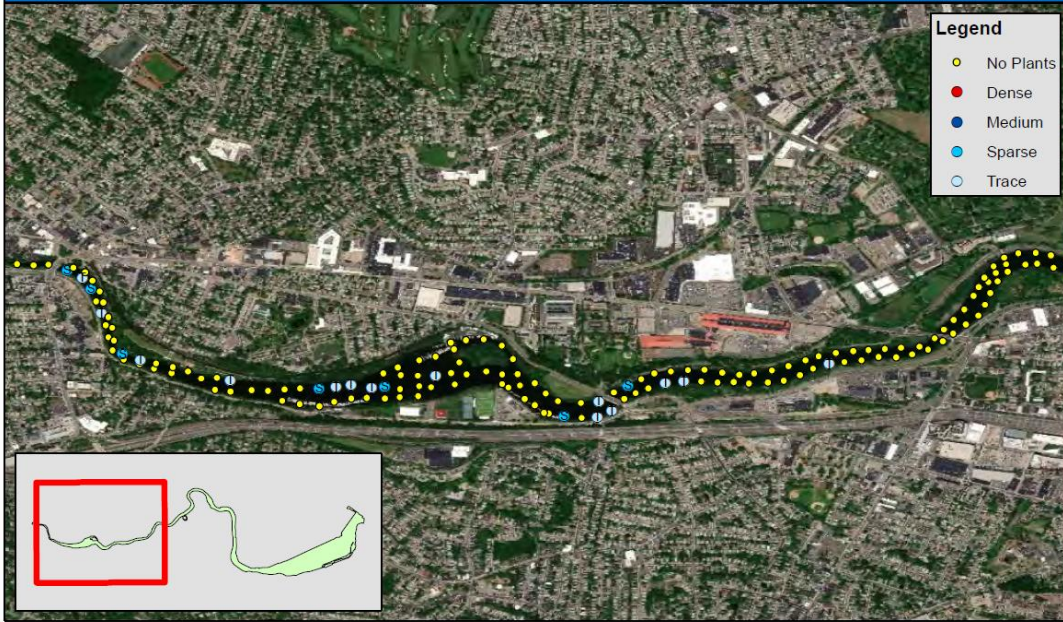


Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Common Waterweed (*Elodea canadensis*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



Charles River  
Boston, MA

Charles River - Watertown

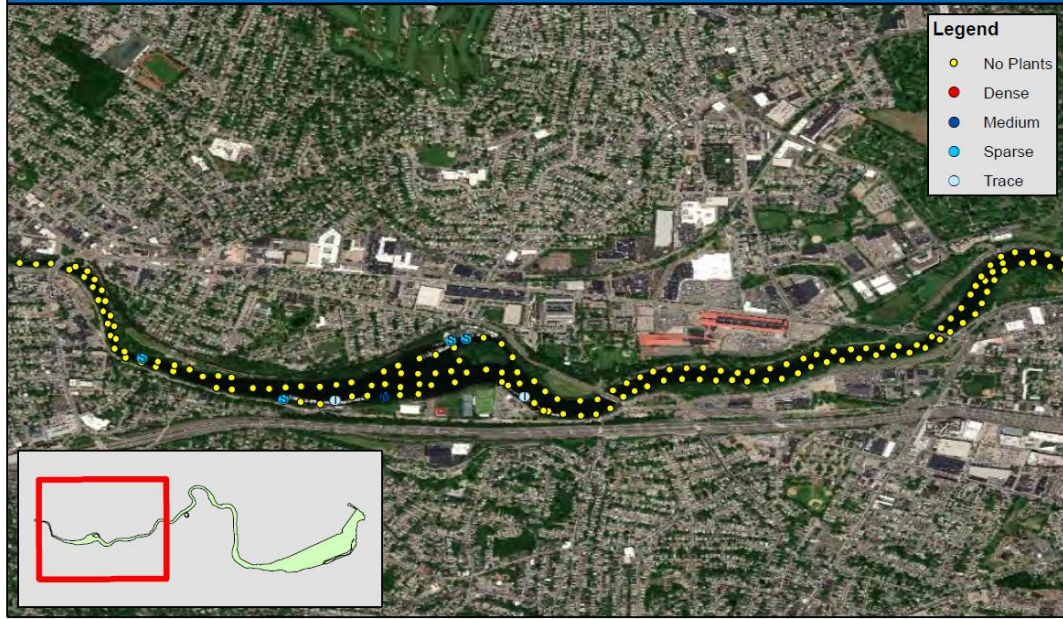
1:19,801

0 750 1,500 3,000  
Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

Small Duckweed (*Lemna minor*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



Charles River  
Boston, MA

Charles River - Watertown

1:19,801

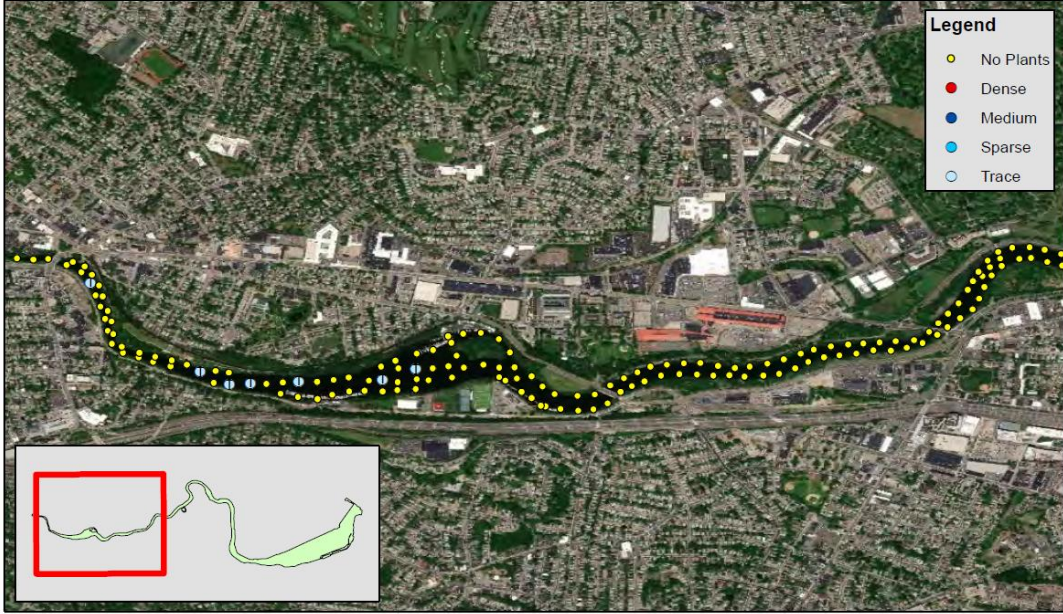
0 750 1,500 3,000  
Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Curly-leaf Pondweed (*Potamogeton crispus*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



- Legend**
- No Plants
  - Dense
  - Medium
  - Sparse
  - Trace

Charles River  
Boston, MA

**Charles River - Watertown**

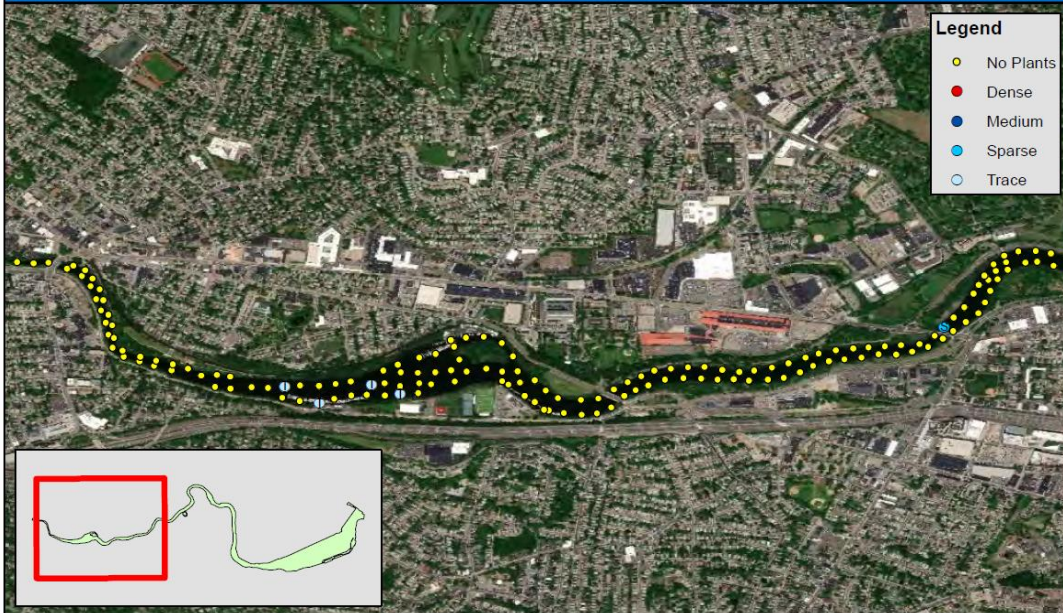
1:19,801

0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

Ribbon-leaf Pondweed (*Potamogeton epihydrus*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



- Legend**
- No Plants
  - Dense
  - Medium
  - Sparse
  - Trace

Charles River  
Boston, MA

**Charles River - Watertown**

1:19,801

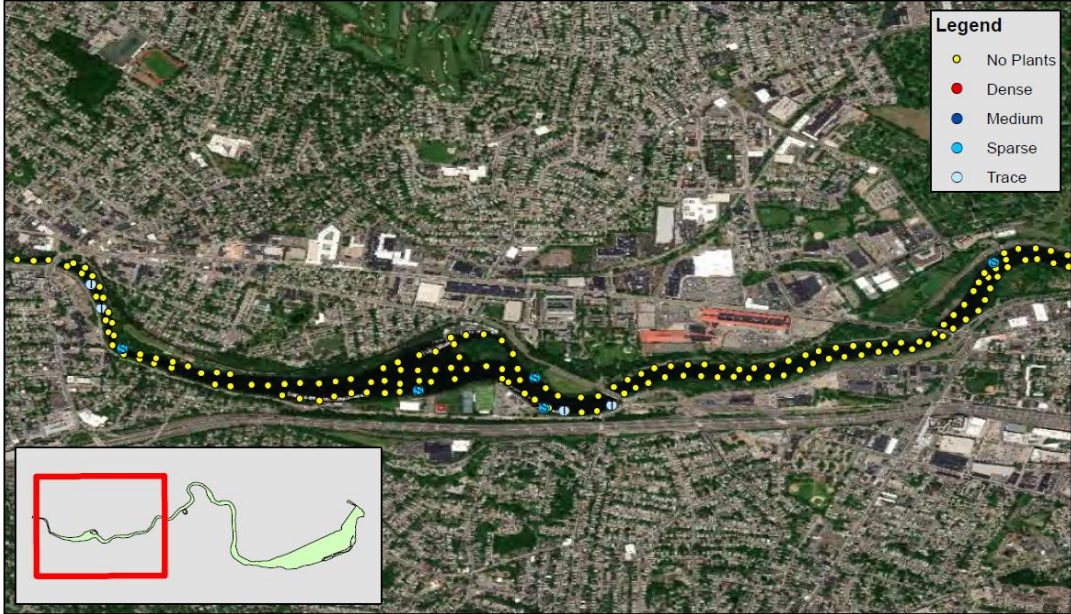
0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Coontail (*Ceratophyllum demersum*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



Charles River  
Boston, MA

**Charles River - Watertown**

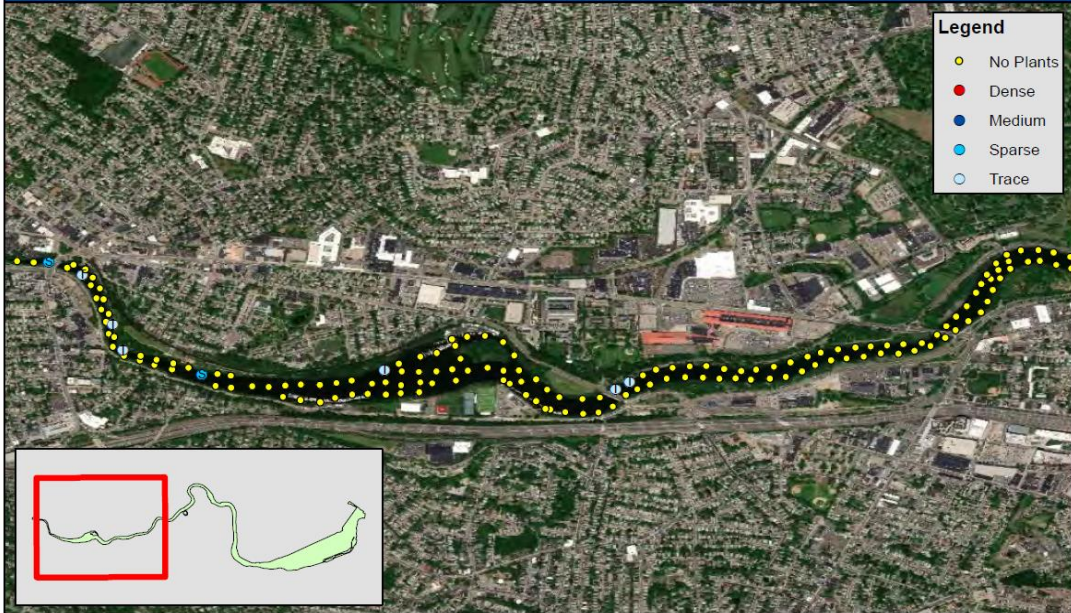
1:19,801

0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

Small Pondweed (*Potamogeton pusillus*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



Charles River  
Boston, MA

**Charles River - Watertown**

1:19,801

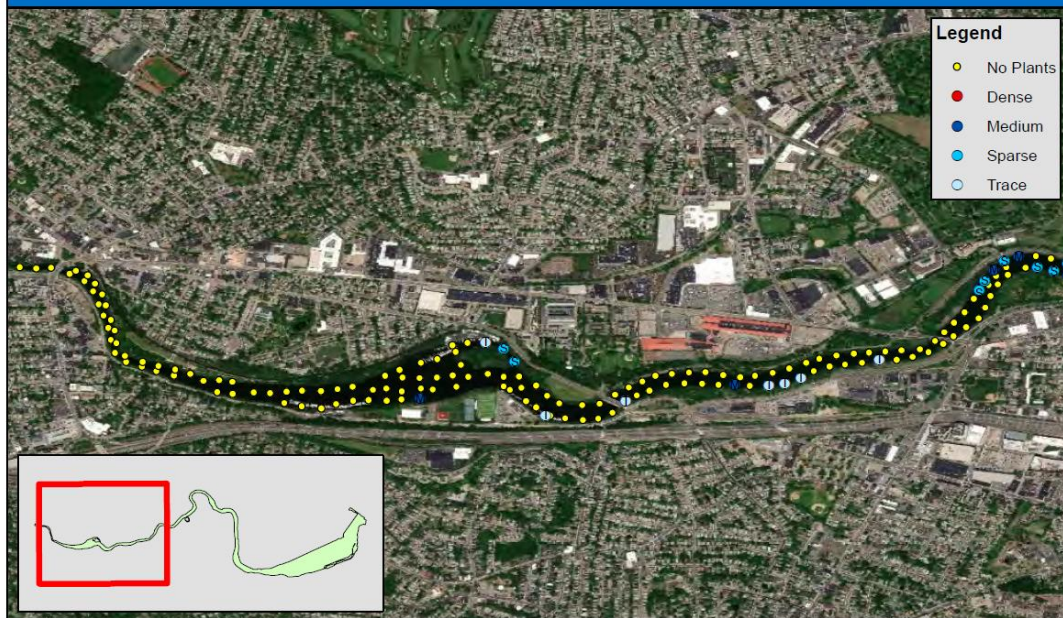
0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Brittle Naiad (*Najas minor*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888-480-5253  
solitudelakemanagement.com



- Legend**
- No Plants
  - Dense
  - Medium
  - Sparse
  - Trace

Charles River  
Boston, MA

**Charles River - Watertown**

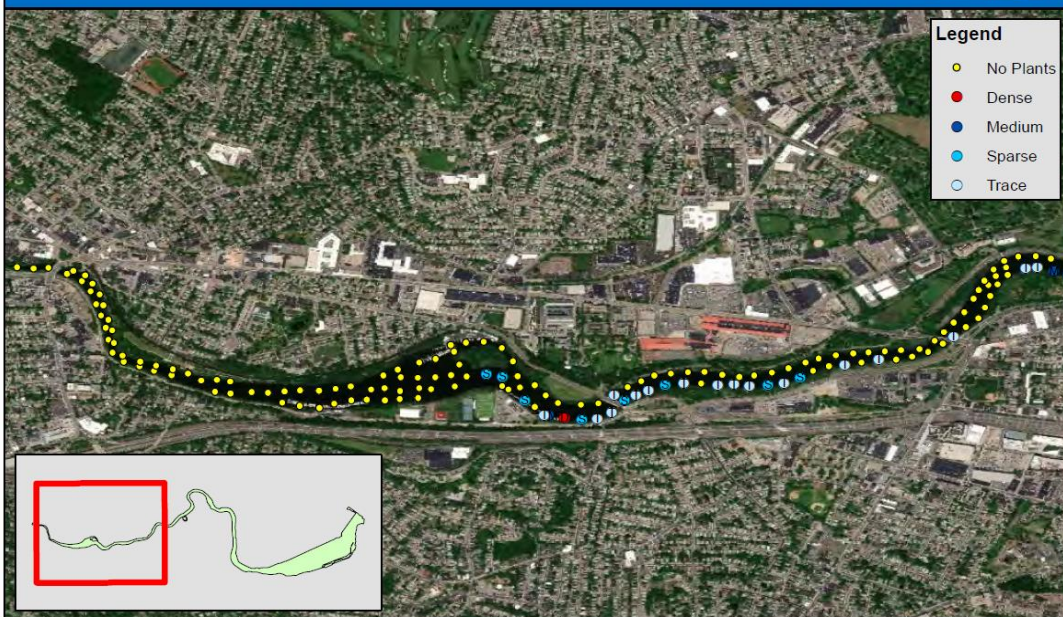
1:19,801

0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

Benthic Filamentous Algae (*Various*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888-480-5253  
solitudelakemanagement.com



- Legend**
- No Plants
  - Dense
  - Medium
  - Sparse
  - Trace

Charles River  
Boston, MA

**Charles River - Watertown**

1:19,801

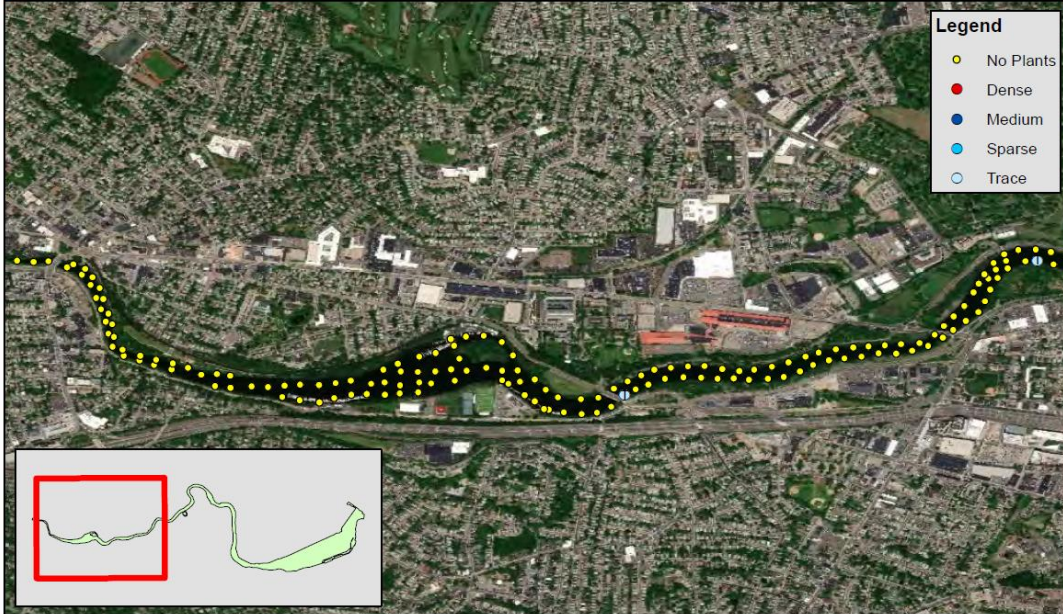
0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Aquatic Moss (*Fontinalis sp.*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



Charles River  
Boston, MA

Charles River - Watertown

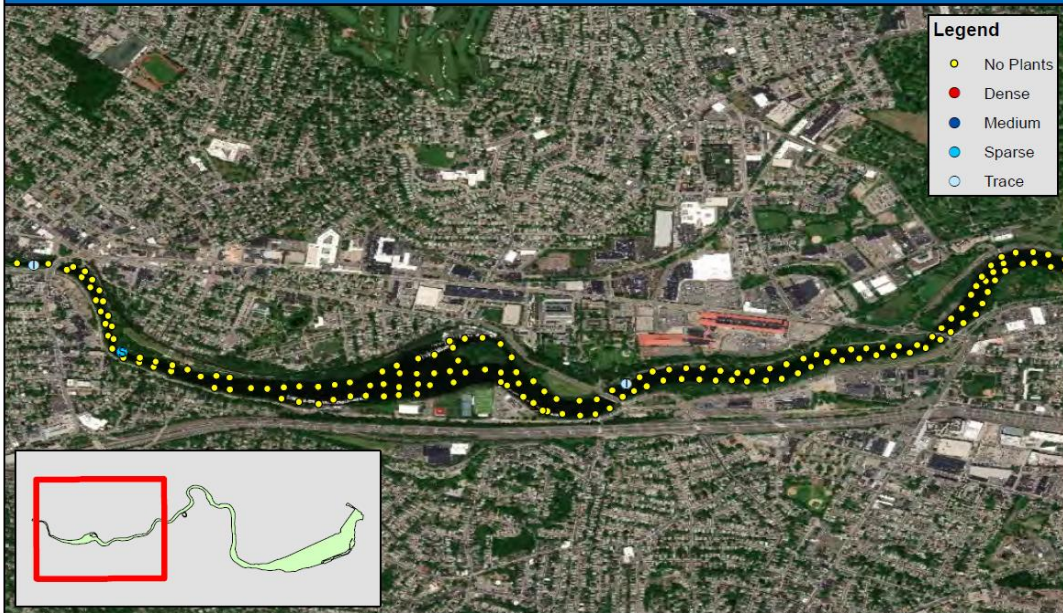
1:19,801

0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

Variable Watermilfoil (*Myriophyllum heterophyllum*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



Charles River  
Boston, MA

Charles River - Watertown

1:19,801

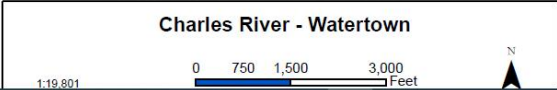
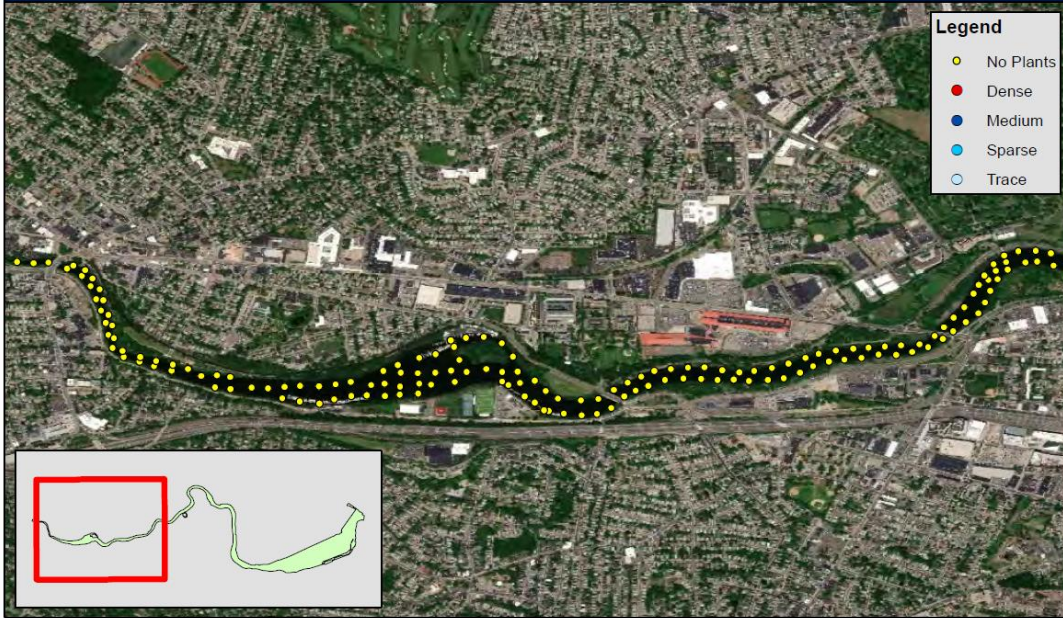
0 750 1,500 3,000 Feet

Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



Clasping-leaf Pondweed (*Potamogeton perfoliatus*) Abundance - Watertown  
September 9-12, 2019

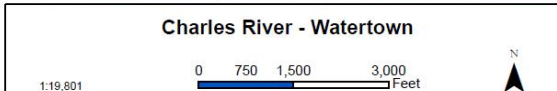
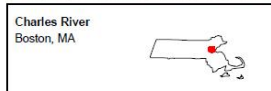
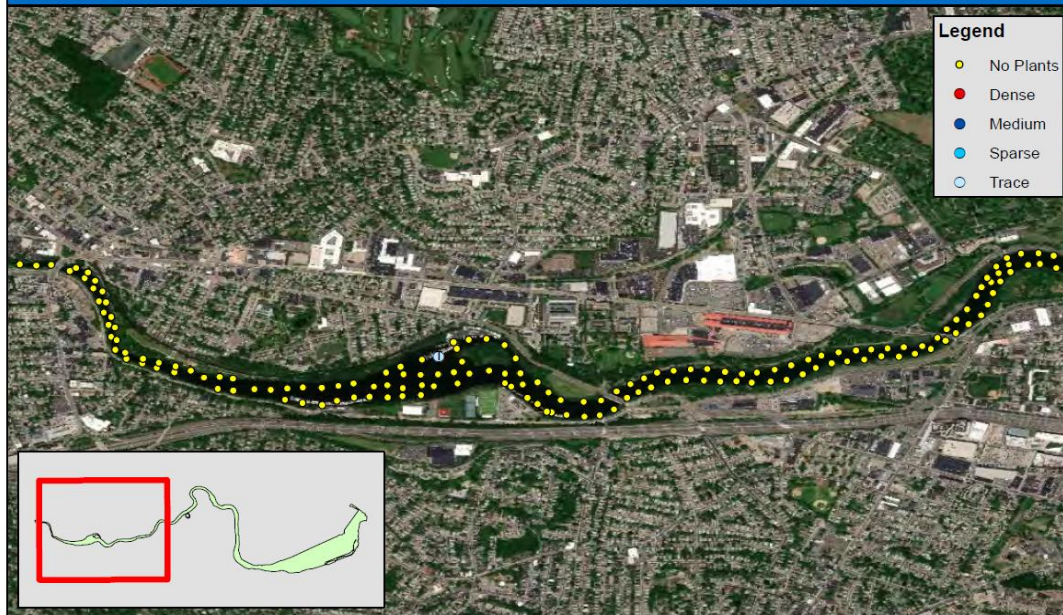
SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com



Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA

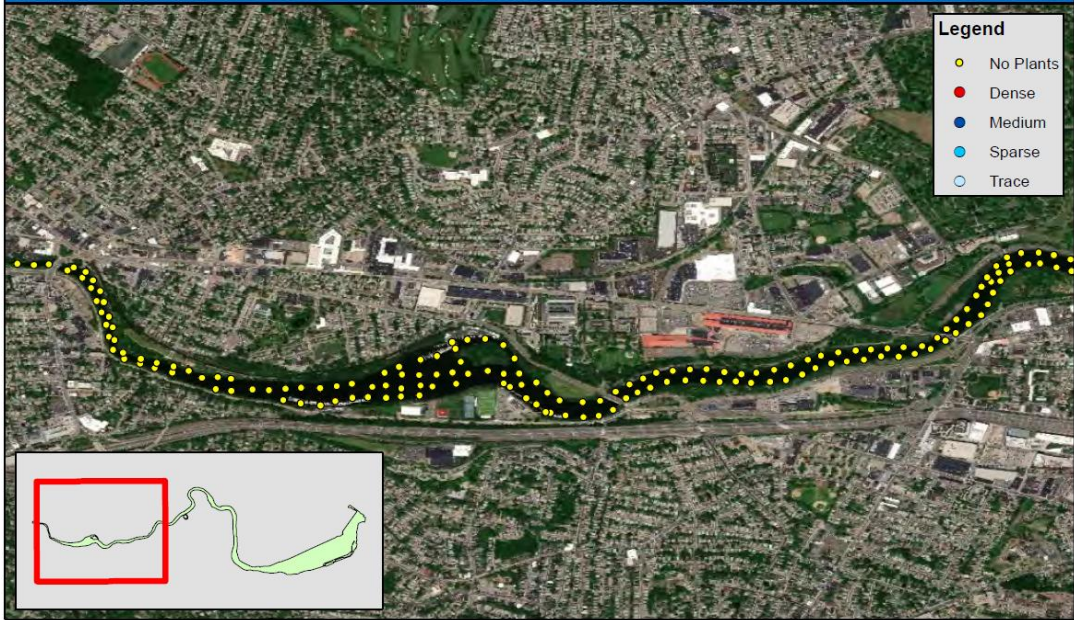
Macroalgae (*Chara/Nitella sp.*) Abundance - Watertown  
September 9-12, 2019

SOLITUDE  
LAKE MANAGEMENT  
888.480.5253  
solitudelakemanagement.com

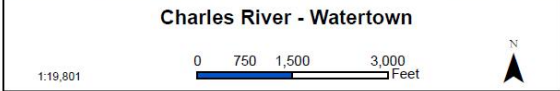



Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA



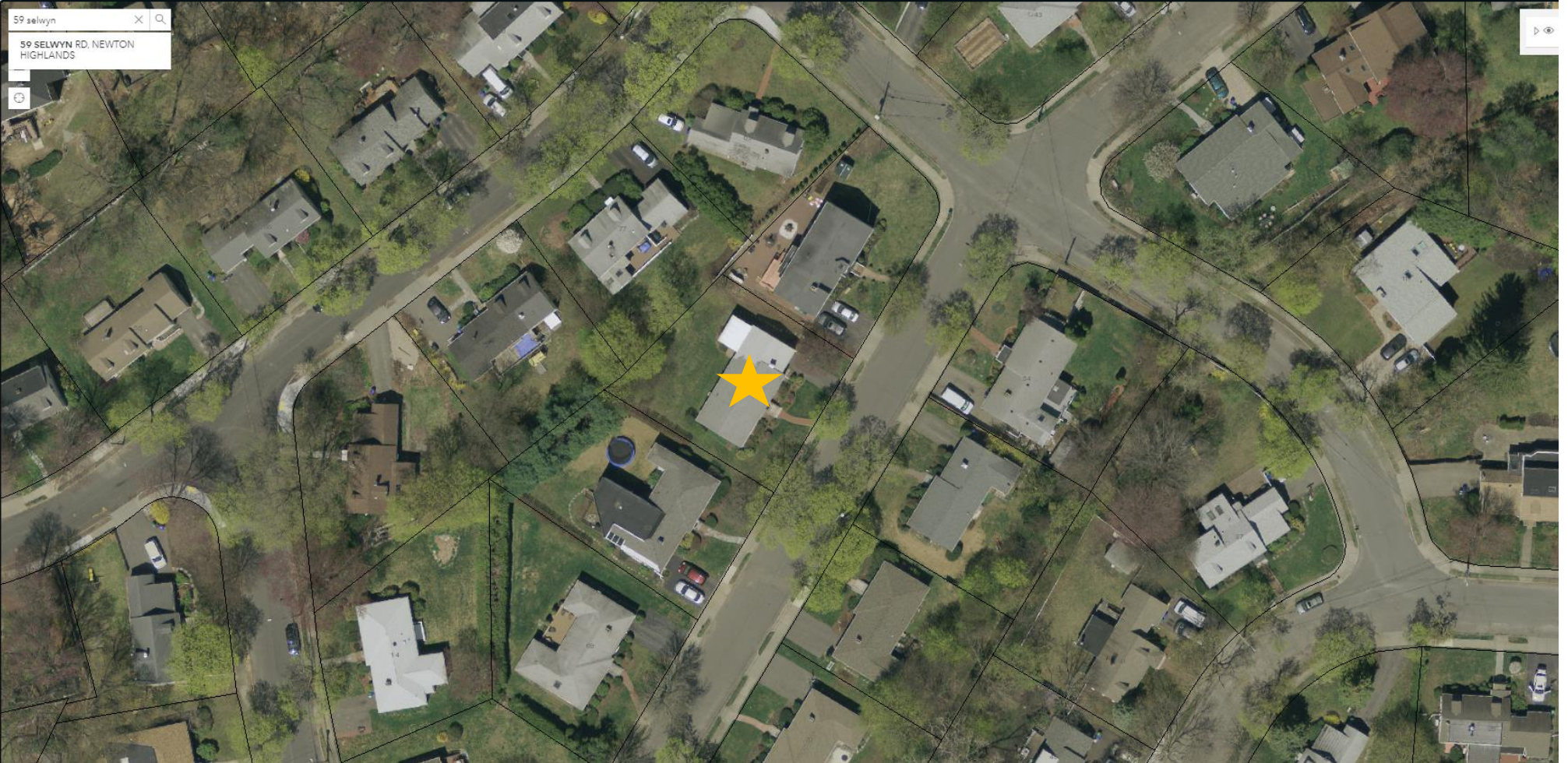


Charles River  
Boston, MA

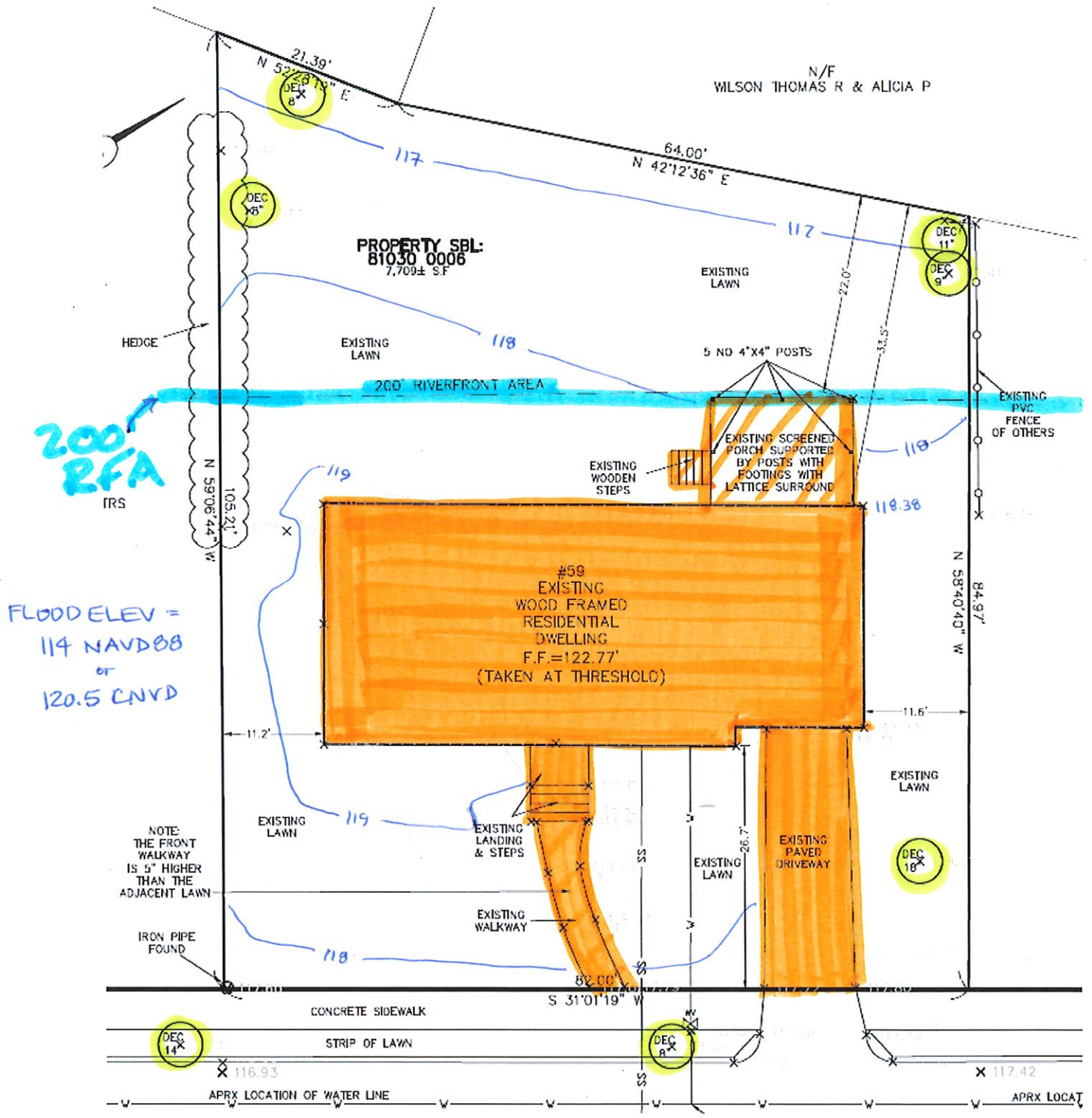


Map Date: 11/27/2019  
Prepared by: BNA  
Office: SHREWSBURY, MA













<b>DEGRADED AREA IN RIVERFRONT AREA</b>	
<b>EXISTING</b>	
HOUSE WITH SCREENED PORCH	1,730.5 S.F
PAVED DRIVEWAY	271.2 S.F
WALKWAY/STEPS/LANDING (HOUSE)	126.8 S.F
STEPS FROM SCREENED PORCH	15.8 S.F
<b>TOTAL:</b>	<b>2,144.3 S.F</b>

<b>DEGRADED AREA IN RIVERFRONT AREA</b>	
<b>PROPOSED</b>	
HOUSE WITH ADDITIONS	1,846.6 S.F
DRIVEWAY	447.1 S.F
WALKWAY	58.4 S.F
FRONT STEPS	27.8 S.F
DECK (INSIDE 200' RIVERFRONT AREA)	87.5 S.F
SONOTUBES SUPPORTING SECOND FLOOR OF HOUSE (BACK RIGHT HAND SIDE)	1.6 S.F
<b>TOTAL:</b>	<b>2,469 S.F</b>

N/F  
EFIMOV MICHAEL & NATALIA

<b>FLOODPLAIN IMPACT &amp; MITIGATION SUMMARY</b>			
<b>ELEVATION (FT)</b>	<b>FLOODPLAIN CUT VOLUME (CF)</b>	<b>FLOODPLAIN FILL VOLUME (CF)</b>	<b>FLOODPLAIN NET (CF)</b>
119.5-120.5	77.43	58.24	19.19
118.5-119.5	87.27	58.24	29.03
117.5-118.5	13.54	6.08	7.46
<b>TOTAL</b>	<b>178.24</b>	<b>122.56</b>	<b>55.68</b>

WAY



# FLOODPLAIN CUT TABLES

FOR EXIST. BUILDING (BACK RIGHT HAND CORNER)

ELEVATION (FT)	CUT AREA (SF)	HEIGHT (FT)	CUT VOLUME (CF)
119.5-120.5	28.4	1	28.4
118.5-119.5	28.4	1	28.4
117.5-118.5	28.4	0.1	2.84
TOTAL			59.64

FOR EXIST. BUILDING (CONCRETE FRONT STEPS)

ELEVATION (FT)	CUT AREA (SF)	HEIGHT (FT)	CUT VOLUME (CF)
119.5-120.5	47.2	1	47.2
118.5-119.5	53.6	0.7	37.52
117.5-118.5	0	0	0
TOTAL			84.72

FOR EXIST. BUILDING (SCREENED PORCH 4X4 SUPPORTING POSTS)

ELEVATION (FT)	CUT AREA (SF)	HEIGHT (FT)	CUT VOLUME (CF)
119.5-120.5	0.55	1	0.55
118.5-119.5	0.55	1	0.55
117.5-118.5	0.55	0.5	0.3
TOTAL			1.4

\*AREA OF POSTS = 0.11 SF X 5 POSTS

FOR EXIST. BUILDING (SCREENED PORCH STEPS)

ELEVATION (FT)	CUT AREA (SF)	HEIGHT (FT)	CUT VOLUME (CF)
119.5-120.5	3.2	0.4	1.28
118.5-119.5	3.2	0.4	1.28
117.5-118.5	3.2	0.2	0.64
TOTAL			3.2

\*AREA OF STEPS = 3.2 SF X 4 STEPS

FOR EXIST. BUILDING (FRONT WALKWAY 5" ABOVE GRADE)

ELEVATION (FT)	CUT AREA (SF)	HEIGHT (FT)	CUT VOLUME (CF)
119.5-120.5	0	0	0
118.5-119.5	48.8	0.4	19.52
117.5-118.5	24.4	0.4	9.76
TOTAL			29.28

# FLOODPLAIN FILL TABLES

## FOR PROPOSED ADDITION (GARAGE EXTENSION)

ELEVATION (FT)	FILL AREA (SF)	HEIGHT (FT)	FILL VOLUME (CF)
119.5-120.5	53.6	1	53.6
118.5-119.5	53.6	1	53.6
117.5-118.5	0	0	0
TOTAL			107.2

## FOR PROPOSED ADDITION (DECK, FRONT LANDING & HOUSE SONOTUBES)

ELEVATION (FT)	FILL AREA (SF)	HEIGHT (FT)	FILL VOLUME (CF)
119.5-120.5	0	0	0
118.5-119.5	0	0	0
117.5-118.5	9.6	0.5	4.8
TOTAL			4.8

\*DIAMETER OF A SONOTUBE = 1' (12 SONOTUBES)

\*AREA OF A SONOTUBE = 0.8 SF

## FOR PROPOSED ADDITION (DECK, FRONT LANDING & HOUSE SUPPORTING POSTS)

ELEVATION (FT)	FILL AREA (SF)	HEIGHT (FT)	FILL VOLUME (CF)
119.5-120.5	1.2	1	1.2
118.5-119.5	1.2	1	1.2
117.5-118.5	0	0	0
TOTAL			2.4

\*DIAMETER OF POSTS = 0.29' (12 POSTS)

\*AREA OF POSTS = 0.1 SF

## FOR PROPOSED ADDITION (DECK STEPS)

ELEVATION (FT)	FILL AREA (SF)	HEIGHT (FT)	FILL VOLUME (CF)
119.5-120.5	3.2	0.4	1.28
118.5-119.5	3.2	0.4	1.28
117.5-118.5	3.2	0.4	1.28
TOTAL			3.84

\*AREA OF STEPS = 3.2 SF X 5 STEPS

## FOR PROPOSED ADDITION (TIMBER FRONT PORCH STEPS)

ELEVATION (FT)	FILL AREA (SF)	HEIGHT (FT)	FILL VOLUME (CF)
119.5-120.5	5.4	0.4	2.16
118.5-119.5	5.4	0.4	2.16
117.5-118.5	0	0	0
TOTAL			4.32

\*AREA OF STEPS = 5.4 SF X 4 STEPS

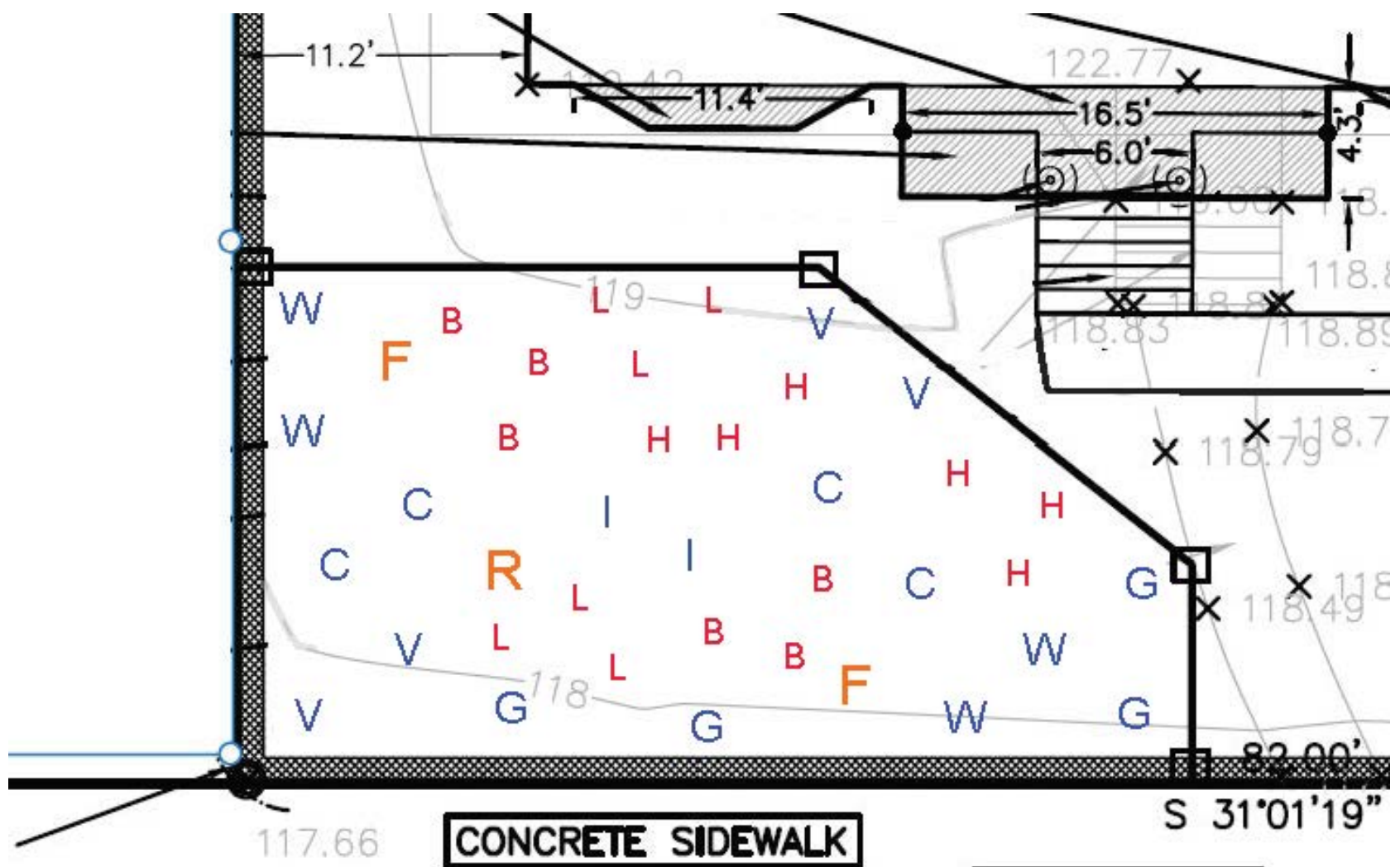
# PLANTING SCHEMATIC FOR ENHANCEMENT PLANTING AREA 59 SELWYN ROAD, NEWTON

PREPARED BY ECOTEC, INC.  
MAY 28, 2021

## Enhancement Planting Area (660± SF)

Stratum; Species, Size; Spacing		
<b>Saplings; 5-6' height; 15' on-center</b>		3
F	Flowering Dogwood ( <i>Cornus florida</i> )	2
R	Eastern Redbud ( <i>Cercis canadensis</i> )	1
<b>Shrubs; 3-4' height; 6' on-center</b>		18
G	Gray Dogwood ( <i>Cornus racemosa</i> )	4
C	Black Chokeberry ( <i>Photinia melanocarpa</i> )	4
W	Withe-rod ( <i>Viburnum nudum</i> )	4
V	Virginia Rose ( <i>Rosa virginiana</i> )	4
I	Inkberry ( <i>Ilex glabra</i> )	2
<b>Small Shrubs; Sizes Below; 6' on-center</b>		18
B	Bearberry ( <i>Arctostaphylos uva-ursi</i> ; 6-12")	6
L	Lowbush Blueberry ( <i>Vaccinium angustifolium</i> ; 6-12")	6
H	Northern Bush Honeysuckle ( <i>Diervilla lonicera</i> ; 12-18")	6

- Top 3" of soil in the enhancement planting area to be removed and disposed of off-site.
- The edges of the area must be graded so that the top of the applied mulch is even with the adjacent lawn or sidewalk.
- Plants to be placed under direction of overseeing wetland scientist.
- Substitutions are subject to approval by Conservation Staff.
- Plants must be natives; cultivars and varieties will not be accepted.
- After planting the plants must be mulched with salt marsh hay and be watered in well and watered periodically until they are established.
- Lastly, the area will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural bark mulch.



Note: The locations of the individual saplings, shrubs, and ground cover are shown for permitting and review purposes; the locations of the plantings in the field will be based on this plan subject to the discretion of the overseeing wetland scientist.











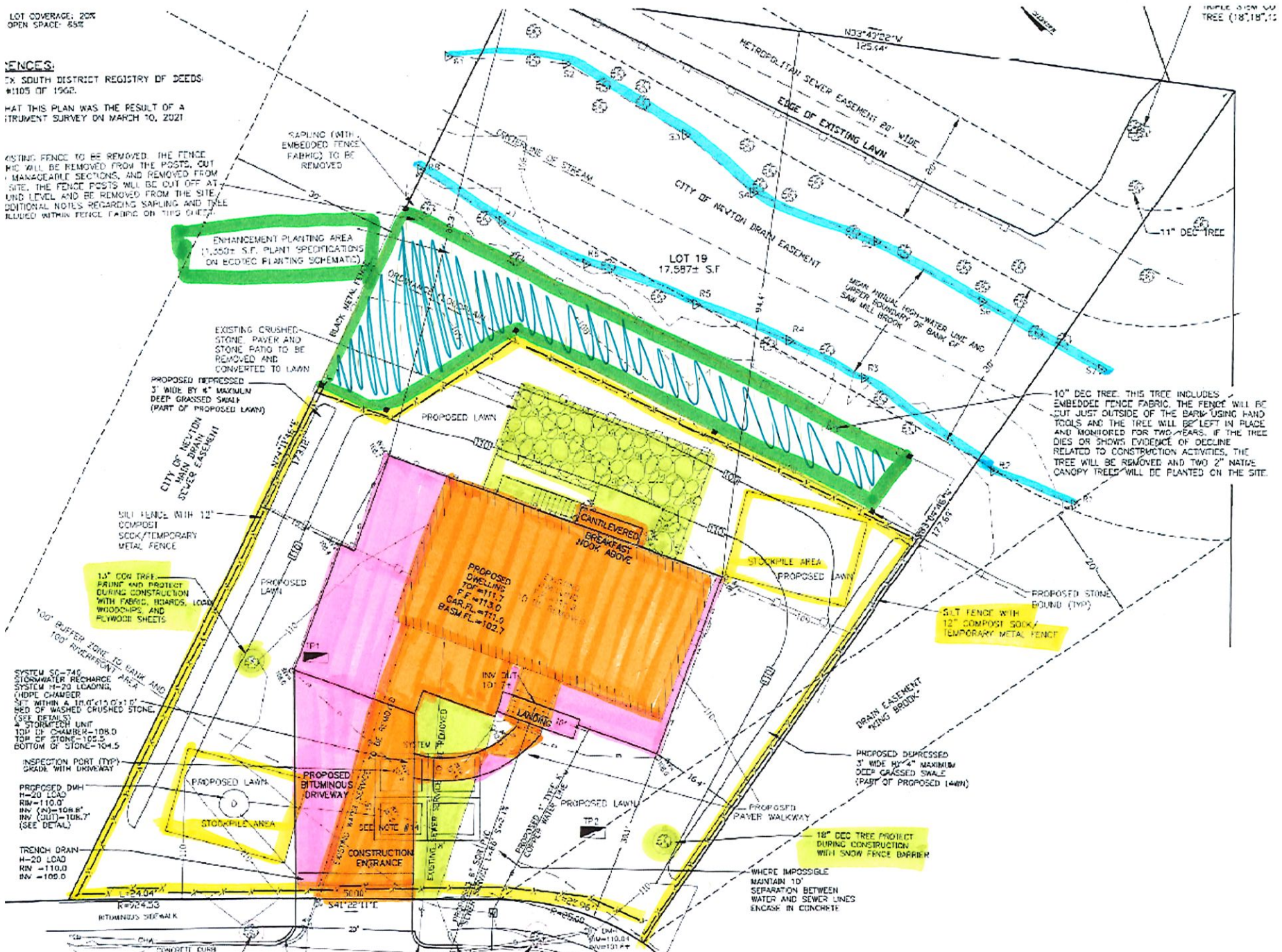
LOT COVERAGE: 20%  
OPEN SPACE: 80%

**FENCES:**

IN SOUTH DISTRICT REGISTRY OF DEEDS  
#1105 OF 1962.

THAT THIS PLAN WAS THE RESULT OF A  
TRUMENT SURVEY ON MARCH 10, 2021

EXISTING FENCE TO BE REMOVED. THE FENCE  
PIC WILL BE REMOVED FROM THE POSTS. CUT  
MANAGEABLE SECTIONS, AND REMOVED FROM  
SITE. THE FENCE POSTS WILL BE CUT OFF AT  
UND LEVEL AND BE REMOVED FROM THE SITE.  
ADDITIONAL NOTIS REGARDING SAPPING AND TREE  
BLUDED WITHIN FENCE FABRIC ON THIS SHEET.



ENHANCEMENT PLANTING AREA  
(17,500± S.F. PLANT SPECIFICATIONS  
ON ECOTEC PLANTING SCHEMATIC)

EXISTING CRUSHED-  
STONE PAVER AND  
STONE PATIO TO BE  
REMOVED AND  
CONVERTED TO LAWN

PROPOSED DEEPRESSED  
3' WIDE BY 4" MAXIMUM  
DEEP GRASSED SWALE  
(PART OF PROPOSED LAWN)

SILT FENCE WITH 12"  
COMPOST SOIL/  
TEMPORARY  
METAL FENCE

13' COR TREE  
FRANK AND PROTECT  
DURING CONSTRUCTION  
WITH FABRIC, BOARDS, LOGS,  
WOODCHIPS, AND  
PLYWOOD SHEETS

SYSTEM SC-746  
STORMWATER RECHARGE  
SYSTEM 14-20 LEADING  
(HDP) CHAMBER  
3'± WITHIN A 120"± x 120"±  
BED OF WASHED CRUSHED STONE.  
(SEE DETAILS)  
A STORMFLOCH UNIT  
TOP OF CHAMBER-108.0  
TOP OF STONE-102.5  
BOTTOM OF STONE-104.5

INSPECTION PORT (TYP)  
GRADE WITH DRIVEWAY

PROPOSED DMH  
H=20 LOAD  
RN=110.0  
INV (IN)=108.6'  
INV (OUT)=108.7'  
(SEE DETAIL)

TRENCH DRAIN  
H=20 LOAD  
RN=110.0  
INV=105.0

PROPOSED DWELLING  
TOP=111.7  
C.F.=113.0  
GAR.F.L.=111.0  
B.A.S.M.F.L.=102.7

PROPOSED BITUMINOUS  
DRIVEWAY

CONSTRUCTION  
ENTRANCE

PROPOSED DEEPRESSED  
3' WIDE 4"± MAXIMUM  
DEEP GRASSED SWALE  
(PART OF PROPOSED LAWN)

WHERE IMPOSSIBLE  
MAINTAIN 10'  
SEPARATION BETWEEN  
WATER AND SEWER LINES  
ENCASE IN CONCRETE

10" DEC TREE. THIS TREE INCLUDES  
EMBEDDED FENCE FABRIC. THE FENCE WILL BE  
CUT JUST OUTSIDE OF THE BARK USING HAND  
TOOLS AND THE TREE WILL BE LEFT IN PLACE  
AND MONITORED FOR TWO YEARS. IF THE TREE  
DIES OR SHOWS EVIDENCE OF DECLINE  
RELATED TO CONSTRUCTION ACTIVITIES, THE  
TREE WILL BE REMOVED AND TWO 2" NATIVE  
CANOPY TREES WILL BE PLANTED ON THE SITE.





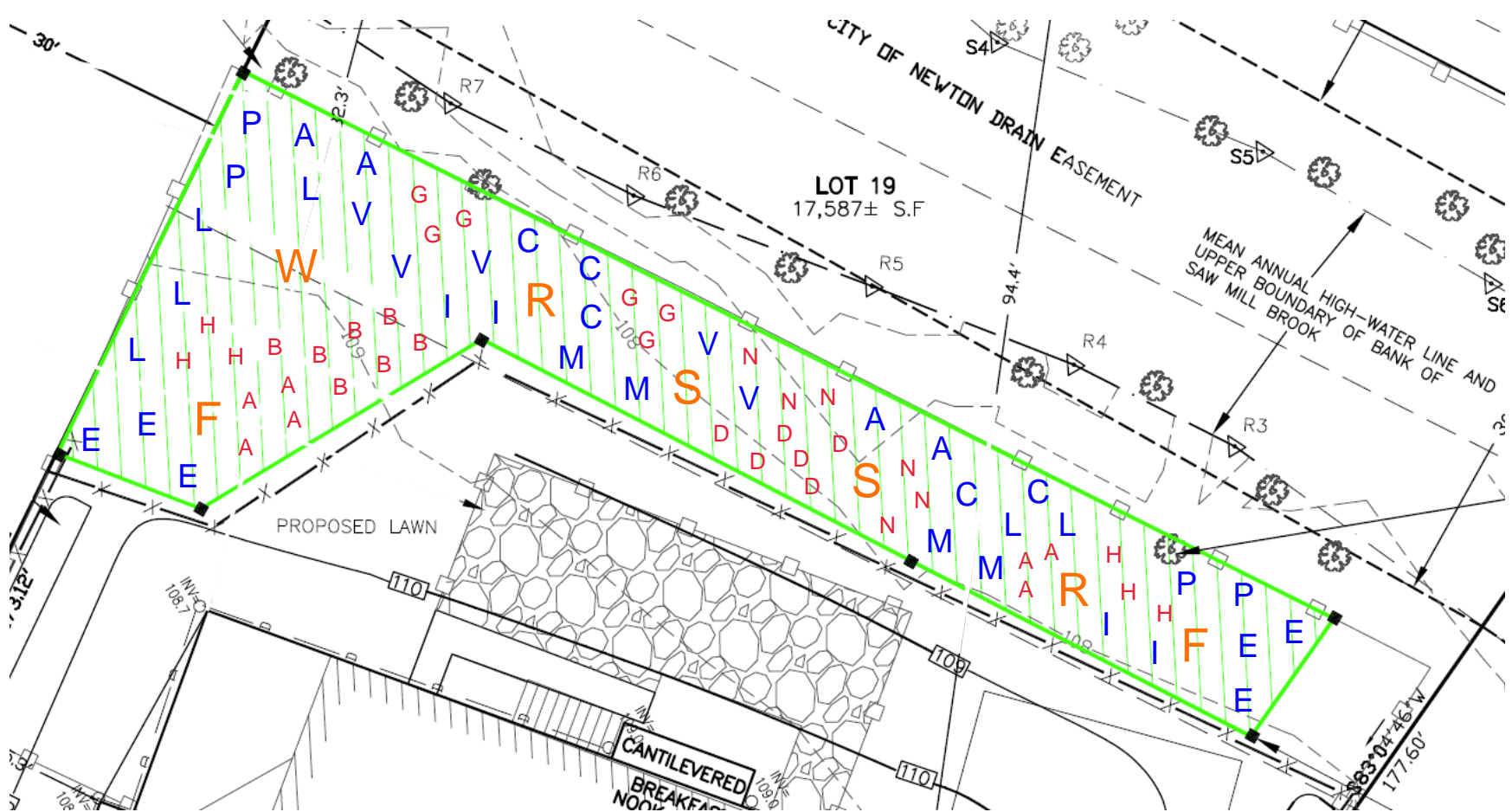
**PLANTING SCHEMATIC FOR  
ENHANCEMENT PLANTING AREA  
240 OLD FARM ROAD, NEWTON**

PREPARED BY ECOTEC, INC.  
JUNE 9, 2021

**Enhancement Planting Area (1,350± S.F.)**

Stratum; Species; Size; Spacing	
<b>Saplings ; 5-6' height; 15' on-center</b>	7
<b>W</b> White Spruce ( <i>Picea alba</i> )	1
<b>F</b> Flowering Dogwood ( <i>Cornus florida</i> )	2
<b>R</b> Eastern Redbud ( <i>Cercis canadensis</i> )	2
<b>S</b> Sweetbay Magnolia ( <i>Magnolia virginiana</i> )	2
<b>Shrubs (Evergreen and Deciduous); 3-4' height; 6' on-center</b>	38
<b>E</b> Eastern Red Cedar ( <i>Juniperus virginiana</i> )	6
<b>L</b> Mountain Laurel ( <i>Kalmia latifolia</i> )	6
<b>V</b> American Witch-hazel ( <i>Hamamelis virginiana</i> )	5
<b>C</b> Gray Dogwood ( <i>Cornus racemosa</i> )	5
<b>A</b> American Cranberrybush ( <i>Viburnum trilobum</i> )	4
<b>M</b> Black Chokeberry ( <i>Aronia melanocarpa</i> )	4
<b>P</b> Sweet Pepper-bush ( <i>Clethra alnifolia</i> )	4
<b>I</b> Inkberry ( <i>Ilex glabra</i> )	4
<b>Small Shrubs; Size Below; 6' on-center</b>	38
<b>B</b> Bearberry ( <i>Arctostaphylos uva-ursi</i> ; 6-12")	7
<b>A</b> Lowbush Blueberry ( <i>Vaccinium angustifolium</i> ; 6-12")	7
<b>G</b> Groundseltree ( <i>Baccharis halimifolia</i> ; 18-24")	6
<b>N</b> New Jersey Tea ( <i>Ceanothus americanus</i> ; 18-24")	6
<b>H</b> Northern Bush Honeysuckle ( <i>Diervilla lonicera</i> ; 18-24")	6
<b>D</b> Sand Cherry ( <i>Prunus depressa</i> 18-24")	6

- Plants to be placed under direction of qualified wetland scientist.
- Substitutions are subject to approval by Staff.
- Plants must be natives; cultivars and varietals will not be accepted.
- After planting, the area will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural bark mulch.
- After planting the plants must be watered in well and watered periodically until they are established.

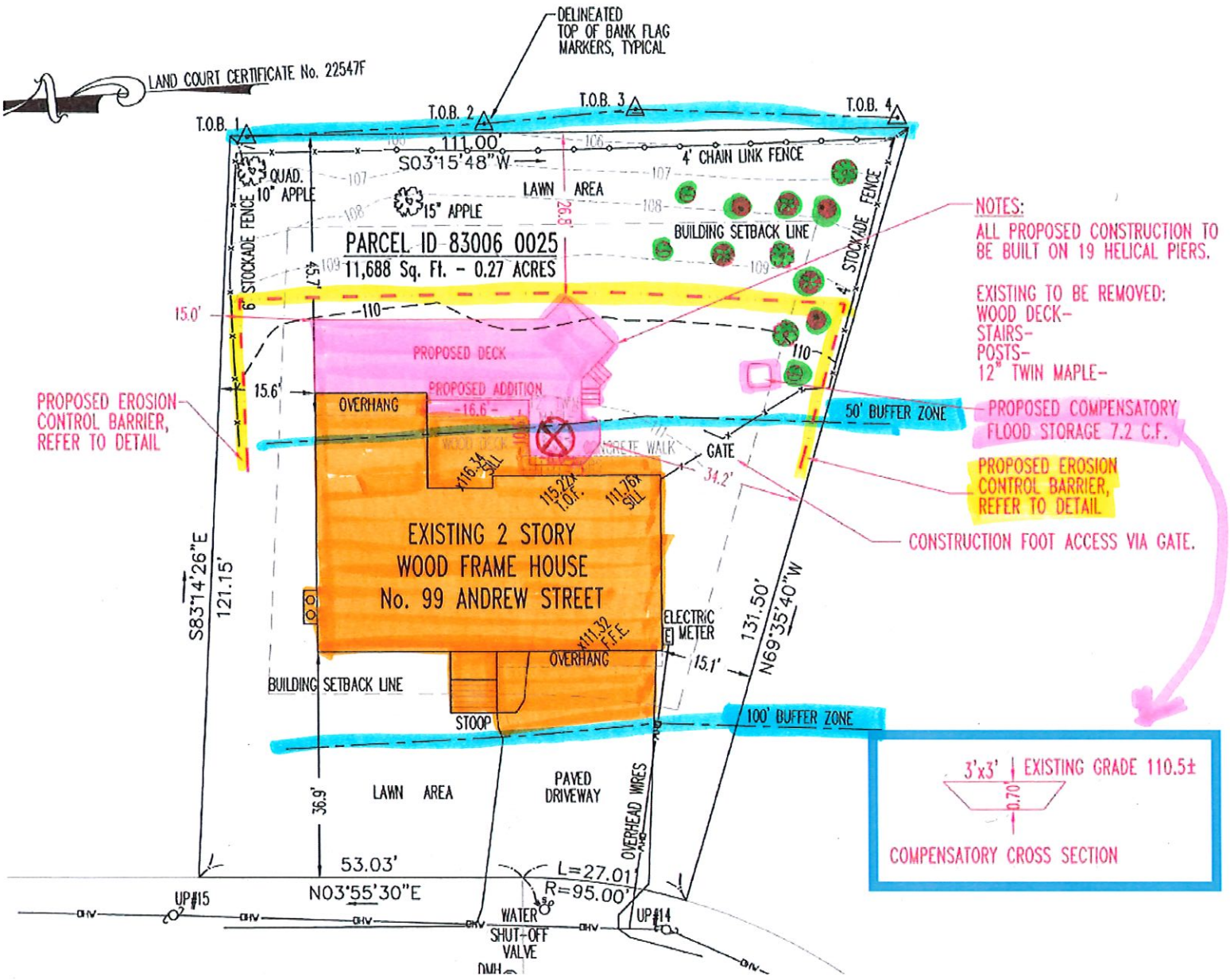


Note: The locations of the individual saplings, shrubs, and ground cover are shown for permitting and review purposes; the locations of the plantings in the field will be based on this plan subject to the discretion of the overseeing wetland scientist.















	<u>SPECIES</u>	<u>SIZE</u>	<u>NUMBER/DENSITY</u>
	DWARF SHADBUSH (AMELANCHIER SPICATA)	2 GALLON	3/INDIVIDUALLY
	INKBERRY (ILEX GLABRA)	2 GALLON	3/INDIVIDUALLY
	SOUTHERN ARROWWOOD (VIBURNUM DENTATUM)	2 GALLON	3/INDIVIDUALLY
	NANNYBERRY (VIBURUM LENTAGO)	2 GALLON	3/INDIVIDUALLY

# CONSERVATION COMMISSION MINUTES

Date: June 3, 2021

Time: 7:00pm – 10:33pm

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

<https://us02web.zoom.us/j/88285143128>

**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, Ellen Katz, and Kathy Cade (7:03).

**Members Absent:** none

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

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

## DECISIONS

- (7:00) In-Person Meetings – State of Emergency Orders are set to expire on June 15, 2021.** At this point, unless new legislation is passed, the Commission will need to begin meeting in-person (June 24, 2021).
  - Discussion: Staff stated that they have not received any update whether there will be legislation allowing a continued use of virtual meetings. The Commission determined that if in-person meetings must resume, masks will be required for all Commissioners and members of the public to protect any vulnerable meeting participants.

### I. WETLANDS DECISIONS

- (7:05) DRAFT Mitigation Planting Guidelines – initial review by the Commission**
  - Request: Discuss edits to Guidelines.
  - Documents Presented: Compiled comments, revised Mitigation Planting Guidelines
  - Discussion:
    - Staff provided some background on where the tree, shrub, groundcover numbers came from (noted in a citation in the document). They also provided reasoning for the various ratios listed.
    - Commissioners stated that this document is best suited to serve as guidelines for applicants, not a policy for the Commission to judge/approve proposed mitigation areas. Staff suggested adding a few lines of preamble/introduction to provide that context.
    - Commissioners suggested some language changes, corrections, and including removing words like “shall” and “must,” and about suggesting that mulch be natural and un-dyed.
    - Staff suggested adding some illustrations to provide further context.
  - Vote/Consensus: To approve the guidelines as edited. [Motion: Dan Green; Second: ; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]
- (7:15) 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: Mark Arnold, Goddard Consulting, LLC
  - Request: Issue an OOC.
  - Documents Presented: Colored plans, site photos, draft OOC
  - Jurisdiction: Buffer Zone, City Floodplain (flood elevation ~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. This area will be stabilized with pea stone.



**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.



- Mitigation plantings have been proposed and include: 5 highbush blueberry, 1 sweet pepperbush, 1 sweet azalea, and 3 New England asters.
- Total fill installed = .32 cubic yards; Total compensatory storage provided = 1.3 cubic yards. An excess of roughly 1 cubic yard of compensatory storage is being provided.
- Presentation (Mark Arnold, Goddard Consulting) and Discussion:
  - The applicant’s representative provided a run through of the project scope. The project team has submitted plans making the requested edits to the planting area location and provided a detail for the footings.
  - The applicant’s representative clarified that machinery will be able to access the rear yard along the side of the garage and through the garage space when it is demolished.
  - Staff asked if any loam and seeding was proposed for the rear yard area after machinery access. The applicant’s representative stated that they would likely reseed over the areas impacted, but that no loam is currently proposed for the rear yard. Staff mentioned that any loam brought into the rear yard must be calculated into the cut/fill calculations for the proposed site.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Kathy Cade; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]
  - Concrete washout must occur outside the 100-foot buffer if possible; if not, 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.
  - Prohibitions: New loam to reconstruct the back yard following construction is not approved under this Order of Conditions. It is understood that small quantities of loam may be installed in the BLSF area to create finished conditions near the deck. As-built plans must confirm approved grading.
  - 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 by the Conservation office in advance).
    - c. Have a survival rate of 100 % of total number of shrubs (after 2 growing seasons)
    - d. Have a survival rate of 100 % aerial coverage of all other plants (after 2 growing seasons)
    - e. Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
  - If any trees within the wetland or buffer within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
  - Compensatory flood storage must be provided in its entirety as per the plans.
  - The mitigation planting area shall be maintained in its predominantly natural condition.
  - To maintain the flood storage capacity of the site, and to uphold DEP requirements for “unrestricted hydraulic connection”, there shall be no enclosure of the deck and stairs within the flood elevation other than the minimal skirting allowed under the Conservation Commission’s guidelines for Construction in Flood Zone (approved 10/8/20).

**4. (7:35) 58 Everett Street – cont’d NOI – teardown/rebuild single-family home – DEP File #239-891**

- Owner/Applicant: Stefanos Efstratoudakis, Drachma Realty Trust Representatives: John Rockwood, EcoTec, Inc. and Joe Porter, VTP Associates
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: City Flood Zone, Buffer Zone, Riverfront Area (Hammond Brook)
- 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 (non-exempt) increase in impervious area within jurisdiction is 171 s.f.

---

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.

- Install mitigation plantings within a 1200 s.f. area -- plantings include 6 saplings, 34 shrubs, 34 perennial/groundcover species.
- Presentation (John Rockwood and Stefanos Efstratoudakis) and Discussion:
  - The applicant's representative provided a summary of the changes made to the site in response the Commission's comments at the previous meeting.
    - The grading in the front yard has been modified to ensure that stormwater will be directed to the trench drain.
    - Raised beds have been added in the front yard to keep stormwater on-site.
    - The grading around the rear retaining wall has been corrected to lessen the steepness.
    - The retaining wall along the eastern property line has been shortened to avoid conflict with the mature tree on the abutting property.
    - The dogwood proposed on the site is *Cornus racemosa*.
  - Commissioners asked if calculations were provided for the drainage to prove that it is being kept on site. The project team clarified that they added the raised beds in the front to avoid doing partial calculations. The current proposed conditions only allow water off the site if it jumps the trench drain in the driveway.
  - The applicant's representative clarified that because the trees near the pool and the raised beds in the front lawn are not part of the proposed mitigation or enhancement plantings, they have not been fully planned and should not be required to be native; they did commit to ensuring that they will not be any species on the Mass. prohibited list. Staff countered that these plantings are still within ConCom jurisdiction and should be native species. Commissioners determined that because the applicant met the Commission's previous requests, that the species of these trees and plants should not be conditions in this Order of Conditions and the applicant should be allowed to install any non-invasive species that they like.
  - The applicant's representative stated that additional protective measures (woodchips and plywood) will be implemented as necessary for the roots of the tree along the eastern property line.
  - As a side note, Commissioners suggested that staff create an educational flier about maintenance of restoration/mitigation areas that could be sent to all permit holders.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Leigh Gilligan; Second: Kathy Cade; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]
  - A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Office for review and approval prior to implementation, if dewatering proves necessary.
  - A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Office for review and approval prior to implementation.
  - The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent.
  - Wood chips and plywood shall be installed over the roots of the mature tree on the eastern property boundary to protect them during construction activities.
  - Prohibitions include: Damage to trees on adjacent properties.
  - Catch-basins in the street, down-gradient of the site, shall have silt sacks installed and maintained for the duration of construction.
  - Stabilized driveway construction entrance(s) will be required for the duration of the construction to prevent tracking of mud and silt onto City streets.
  - Landscape plantings within Commission jurisdiction must:
    - a. Stabilize all exposed areas
    - b. Be installed and bounded in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
    - c. Be installed in properly prepared soil.
    - d. Have a survival rate of 100% of total number of trees (after 2 growing seasons)
    - e. Have a survival rate of 90% of total number of shrubs (after 2 growing seasons)
    - f. Have a survival rate of 75% aerial coverage of all other plants (after 2 growing seasons)
    - g. Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.



- If any trees within the wetland or buffer within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
- The required Riverfront mitigation areas shall remain bounded and be maintained in perpetuity in their predominantly natural condition.
- The approved Operations and Maintenance Plan is appended hereto and must be adhered to.

**5. (7:55) 240 Old Farm Road – NOI – teardown/rebuild single-family home – DEP File #239-893**

- Owner: Andrey Agamov, 240 Old Farm Road LLC Applicant: Merle/Phyllis Persky, Trustees, Persky Realty Trust  
Representative: John Rockwood, EcoTec, Inc.
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area (Saw Mill Brook)
- Project Summary
  - Demolish existing 1,240 s.f. single-family home and associated driveway, front walkway, rear wooden deck with stairs, rear crushed stone/paver/stone patio, and fencing.
  - Construct new 2348 s.f. single-family home with associated driveway, front walk, rear wooden deck with a step, and stormwater management systems (trench drain and infiltration chambers).
  - Total increase of impervious area on site is 1,190 s.f.
  - Install a total of 2,440 s.f. of mitigation planting area in two separate locations (7 saplings, 68 shrubs, and 68 groundcovers). Stone bounds are proposed for the planting area on the side of Saw Mill Brook closer to the house.
  - No trees are proposed to be removed and 5 trees are to be protected.
- Presentation (John Rockwood) and Discussion:
  - The applicant’s representative provided a summary of the proposed work on site and noted the owner’s interest in keeping the spruce tree at the front of the lot.
  - Just in advance of the hearing, the applicant team provided revised plans showing reduced fill and gentler slopes around the house. The revised plans also detailed the removal of the fence to protect the tree and how access will occur for the work in proposed enhancement area 2 (across the stream).
  - The tree that the fence is growing through will have the fence cut the against the bark and will be left to see if the tree continues to survive. If it does not survive, it is proposed to be replaced with 2 saplings.
  - Commissioners asked for clarification on the distances between the mitigation area and the stream banks and between the proposed deck and the stream banks. The applicant’s representative clarified the distances and how the enhancement areas will be protected (bounds on the western enhancement area and a fence along the property boundary on the eastern enhancement area).
  - Commissioners asked how the plantings on the opposite side of the stream will be accessed and maintained. Commissioners and staff both expressed concern about watering, weeds, and invasives. The applicant’s representative stated that a hose can be pulled across the stream corridor for watering and that the area is intended to be naturalized and not maintained as a manicured landscape area.
  - Commissioners asked why an alternative was not proposed that pulls the house back from the stream. The house proposed is right up against the front setback, so pulling the house further forward would require a special permit.
  - Commissioners asked if an irrigation line could be run across the stream corridor. Staff suggested that perhaps an arrangement could be made with the owners of 23 Marla Circle to run irrigation from their side.
  - Staff asked why the proposed berm stops prior to the front property line. The applicant’s representative stated that there is no grading proposed in the front lawn and so there is minimal runoff heading in that area. Staff stated they felt this area could be a weak point, but it was clarified that all the roof runoff is being picked up so the only lawn runoff would be moving in this area in most storm events.
  - Commissioners questioned why the house was being “pedestaled”, noting that pedestaling directs more runoff onto adjacent lots and that the existing site is fairly level and so little runoff is going onto the neighboring lots. The applicant’s representative stated that currently no stormwater is captured on the site, so the proposed infiltration system will reduce overall runoff from the site, both to the neighbors and to the street.

- Staff asked for clarification on the width of the planting area near the house and how much level lawn the lot will be left. The applicant's representative stated that there will be minimal level lawn provided. Staff expressed concerns about this based on previous experiences with construction and maintenance of such narrow lawn areas.
  - Commissioners stated that they have significant concern about the survival of the enhancement area on the far side of the stream. The Commission requested that the applicant team provide a plan demonstrating how they will ensure the survival of enhancement area 2.
  - A member of the project team clarified that access could be created to the far side across the stream using a plank for watering and maintenance. They also stated that a landscaping crew would likely be hired to ensure maintenance occurs. Staff and the Commission expressed concerns about the impact of crossing the stream and that it would be tempting to leave a plank/bridge in place.
  - Test pit information indicates that no mottles were observed at 96" (8') and 118" (9.8'), respectively. Staff stated that this was surprising given proximity to the perennial stream. The applicant's representative stated that the test pits were done by a licensed soil evaluator (Tom Rider, P.E.). Staff added that they did receive rough Engineering notes stating that the site met City of Newton requirements.
  - Staff expressed concerns about the proposed berms and whether they will be fully functional and maintained; they requested that the southern berm be extended towards the street.
  - Staff and the Commission also asked the team to review if FAR can still be met with reduced fill around the proposed structure.
  - Applicant's representative requested a continuation to the June 24<sup>th</sup> meeting.
- Vote: To continue the hearing to June 24<sup>th</sup>, 2021 to allow the applicant to respond to Commission and staff concerns including a plan to ensure survival of the enhancement areas. [Motion: Ellen Katz; Second: Kathy Cade; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]

**6. (8:25) Purgatory Cove – OOC Extension Request – chemical and mechanical invasive species management – DEP File #239-648**

- Owner/Applicant: Department of Conservation and Recreation Representative: Joe Onorato, Water and Wetland
- Request: Issue an extension for the maximum 3 years.
- Documents Presented: Approved maps, PowerPoint presentation by the applicant
- Jurisdiction: LUWW
- Presentation (Joe Onorato) and Discussion:

- The applicant's representative provided some history of the area and previous efforts for invasive control.
- While DCR's permit (#239-692) which allows hand and mechanical removal of water chestnut is still valid, the permit allowing chemical treatment for milfoil and curly leaf with fluridone (Sonar) is due to expire in a few months with the state of emergency being lifted.

*NOTE: [Governor Baker recently announced that, on June 15, 2021, he will lift the State of Emergency he declared on March 10, 2020 in response to the COVID-19 pandemic. The Municipal Relief Act prevented any permit in effect as of March 10, 2020 from lapsing or expiring. The expiration date of the permit ... was and remains tolled during the State of Emergency. This will end on June 15 with the lifting of the State of Emergency. MacGregor and Legere] [Any approval that was valid as of March 10, 2020, when the Governor Declared a State of Emergency, will remain in effect, regardless of its issued expiration date. These dates toll during the state of emergency, and ... will begin to run again when the State of Emergency is lifted. ... As such, if you have a permit that would have expired on March 10, 2020 but was valid on that date, it remains in effect until the State of Emergency is terminated. Deadlines and conditions internal to the permit can be waived in the agencies discretion, giving them the opportunity review each permit on a case-by-case basis. Gordon & Rees]*

- The applicant's representative from Water and Wetlands provided an update based on their pre-management survey of the Cove at the end of May. There has been significant improvement in water chestnut coverage within Purgatory Cove, but Curlyleaf pondweed and Eurasian milfoil have increased in density within the Cove.
- The plan is to continue managing water chestnut with hand pulling and targeting the Curlyleaf pondweed and Eurasian milfoil with Sonar herbicide at low doses (~8ppb). It was determined that mechanical efforts to remove those two species would result in the spread of the plants.
- Commissioners asked how many times the herbicide was applied to the Cove since 2012. Staff and the project's representative stated that they believe the last time it was treated was 2016.



- Commissioners who live near the Charles River where DCR undertakes similar management efforts expressed significant support for this work because of the importance of the river as an ecological and recreational resource and because of the apparent benefit of Sonar treatments to local wildlife populations.
- Commissioners asked if DCR has any long-term plans to improve aeration in Purgatory Cove, since that can help with weed control, but did not wish to hold up this discussion as the herbicide treatment seems the only option at this time. The project’s representative stated that they take field notes on each visit and if aeration will improve conditions they will so note in the year-end report recommendations.
- Vote: To issue an extension for 3 years to 2024. [Motion: Kathy Cade; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]

**7. (8:40) Crystal Lake Beach Enhancements – informal discussion**

- Owner: City of Newton    Representative: Nicole Banks and Luis Perez Demorizi, Newton Parks, Recreation and Culture
- Request: Determine how to move forward with approving short-term (and ultimately long-term) beach improvement work at Crystal Lake.
- Documents Presented: photos, PowerPoint slides provided by the applicant team
- Presentation (Nicole Banks, Luis Perez Demorizi, and Carol Stapleton) and Discussion:
  - PRC staff provided some context, noting that the beach has been closed now for 2 seasons due to COVID and that they are planning on opening this year (on July 1). The “Left Beach” area has experienced significant degradation due to freeze/thaw cycles and wave erosion exposing the footings of benches and the timbers used to retain sand.
  - PRC staff have been pursuing quotes from contractors for the proposed work to eliminate dangerous features and stabilize the area for the season. They clarified that the scope sent out to potential contractors includes a constraint that all heavy equipment access/assistance occur from the elevated lawn of Crystal Lake Park.
  - PRC would like the Conservation Commission to permit a “quick fix” for this season (starting July 1). They recognized the need to secure a permit and noted their hope to file an RDA for the pending work with the intent of filing a NOI “in a few years” for a longer-term solution to the problem.
  - Commissioners asked if any new sand would be brought in or whether PRC just intended to rake back existing sand. PRC staff stated that they would just be raking back existing sand.
  - PRC noted that there is a need for lifeguard chairs, but that they are still assessing design options for securing guard chairs. They will present design proposals once the timbers have been removed and the sand raked back.
  - Staff stated that there is definitely a need for long-term management but that the proposed work at this time is certainly approvable and is necessary for safety.
  - Staff have concerns about permitting this work through an RDA as it is alteration of resource areas but feel that the Commission could determine that due to the lack of natural vegetation and wildlife value, an RDA is an appropriate path forward. PRC staff clarified that they are hoping for an RDA in order to streamline the process.
  - Commissioners stated that because this work will involve contractors, is in a sensitive resource area, and conditions will be necessary, that approving it through an RDA is not a precedent that should be set. Staff agreed that if this was a private homeowner, we would require an NOI. Staff offered to provide assistance with the development of an NOI.
  - Commissioners clarified that PRC can open the Lake to residents prior to this work being completed and PRC staff agreed, and stated that temporary fencing could be used to fence off the area until the work can be done.
- Consensus: A Notice of Intent is appropriate for the proposed work. It will be heard at the 6/24/21 meeting.

**8. (9:00) 323 Parker Street – COC Request for a small addition – DEP #239-226**

- Owner: Judith Malone Neville    Representative: Robert DeRubeis
- Request: Issue COC.
- Documents Presented: none
- Discussion:
  - This is an old filing from 1990 and an as-built and letter certifying compliance were never submitted. Due to the age of the file, staff agreed to allow the request to be submitted with just Form 8A. Based on a staff site visit, the site appears to be in compliance with the approved plans.
- Vote: To issue a Certificate of Compliance. [Motion: Jeff Zabel; Second: Susan Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]

---

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.

**9. (9:10) 401 Albemarle Road – unpermitted tree removal – informal discussion**

- Former Owner: John Umina, 401 Albemarle LLC     Representative: none
- Request: Staff asked the Commission to determine what, if any, follow up is needed regarding the unpermitted removal of a tree in RFA.
- Documents Presented: Site photos
- Discussion:
  - Staff reviewed the site history: it was a recently permitted project and one tree was removed without permission.
  - Based on old site photos staff feel that the tree was nearly dead at the time the project was permitted and was probably removed because it was in poor health and likely posed a risk to the new structure.
  - The OOC does not include the condition requiring 2:1 replacement for trees destroyed or demonstrably harmed by construction activities.
  - Commissioners asked if the homeowners had stated why it was removed. The answer was “no”.
- Consensus: The tree removal does not need to be mitigated for.

**10. (9:20) 942-944 Watertown Street – Compliance Discussion – new duplex – DEP File #239-427**

- Owner/Applicant: Janet Edsall Fields     Representative: Stephen Fields
- Request: Continue discussion to allow EcoTec to develop plans.
- Documents Presented: none
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Issue Summary:
  - Some time ago the applicant 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 homeowner has hired EcoTec to develop the restoration planting plan for the lot and has requested a continuation to the 6/24/21 meeting to allow for plans to be developed.
- Vote: To continue discussion to 6/24/21 meeting. [Motion: Ellen Katz; Second: Judy Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]

**11. (9:25) 17 Wayne Road – cont’d NOI – teardown/rebuild single-family home – DEP File #239-892**

- Owner/Applicant: Jamie Ovadia     Representative: Joyce Hastings, GLM Engineering Consultants, Inc.
- Request: Continue hearing to 6/24/21.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront 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.
- Discussion: The applicant requested that the hearing be further continued to allow revised plans to be developed based on staff comments in the 5/13/21 agenda.
- Vote: To continue hearing to 6/24/21, with revised materials due 6/10/21. [Motion: Leigh Gilligan; Second: Jeff Zabel; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]

**II. CONSERVATION AREA DECISIONS**

**12. (9:50) Old Deer Park Access from Hammond Pond Parkway**

---

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.



- Request: Discuss Chair’s interest in access from Hammond Pond Parkway.
- Discussion:
  - This item was taken up after item 16.
  - The Chair had conversations with two City Councilors (Downs and Bowman) and heard that their concerns about parking on the east side of Hammond Pond Parkway would be allayed if it were parallel parking (to preclude drivers backing into a bike lane).
  - Staff stated that the proposed shared-use path is on the west side of the Hammond Pond Parkway and the proposed stone dust path is on the east side (where the Old Deer Park is located).
  - The Chair suggested that 4-5 parallel parking spaces be included along the east side of Hammond Pond Parkway just north of the bridge over the Green Line tracks, essentially replicating the existing parking usage of the grassed verge of Hammond Pond Parkway.
  - Staff noted that they believe DCR is planning to eliminate all informal parking through curbing and pathway construction. Once the work is completed, parking on Hammond Pond Parkway is intended to be limited to the small proposed parking lot at the DCR trailhead on the east side. Staff also expressed concerns about sight lines in this location making parking unsafe, as the bridge is a high point.
  - Staff questioned how this new request might be received by DCR and who within the City might champion this request.
  - The Chair requested that staff set up a meeting with members of the DCR team to find out more about the proposed conditions. Staff cautioned that the Commission should work within the City’s lines of communication with DCR. The Chair will put a request in writing for staff to forward to the City’s liaison and thence to DCR.

### III. ADMINISTRATIVE DECISIONS

#### 13. (10:00) Commission Leadership – Vote

- Request: Vote for new Chair, Vice-Chair, and Clerk – terms of 2 years each (June 2021-June 2023).
- Discussion:
  - Staff reminded Commissioners that in 2019 the Commission determined that: (1) Candidate selection should be self-selection; (2) Elections should occur every other year at the first meeting in June; and (3) Ballots should be written (this can be accomplished using “private chat to host” function in Zoom).
  - Dan Green agreed to continue to serve as Chair if there were no interested parties. There were none.
  - Susan Lunin agreed to continue to serve as Vice-Chair if there were no interested parties. There were none.
  - Judy Hepburn agreed to continue to serve as Clerk if there were no interested parties. There were none, and all Clerk responsibilities are currently being undertaken by staff.
- Vote for the proposed slate: Dan Green to be Chair, Susan Lunin to be Vice-Chair, and Judy Hepburn to be Clerk – term of 2 years (2021-2023). [Motion: Leigh Gilligan; Second: Jeff Zabel; vote by “private chat to host” was unanimous.

#### 14. (10:10) Minutes of 5/13/21 to be approved

- Documents Presented: Draft 5/13/21 minutes
- Vote: To accept the 5/13/21 minutes. [Motion: Jeff Zabel; Second: Leigh Gilligan; 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.

## UPDATES

### V. WETLANDS UPDATES

- 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 and the planting/seeding of the Suffolk Lowell corner and Old Deer Park swimming pool is complete thanks to generous neighbors.
- Old Deer Park: Wood chips will be spread on the new paths.
- Stairs from the Greenway to the Riverwalk: New contractors are being explored.
- Encroachments: 149 Harwich, 170 Suffolk, and 860 Newton are due to be addressed.
- Mark Neves’ crews got around a few weeks ago on initial touches and continue their work!

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.

## VII. ISSUES AROUND TOWN UPDATES

- Christina Street Bridge Feasibility Study: We held our big community engagement meeting on May 26<sup>th</sup>!
- 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

#### 15. (9:20) 31 Greenwood Street – Active Enforcement Order – limit of work violations – DEP File #239-849

- Owner/Applicant: Jeronimo Almeida, 31 Greenwood Realty, LLC Representative: David LaPointe, Beals and Thomas
- Staff Request: Determine if the recent work done under the E.O. is compliant enough.
- Documents Presented: originally approved plans, site photos
- Jurisdiction: Buffer Zone
- Violation Summary
  - Limit of work violations – an unknown amount of vegetation clearing beyond the originally approved limit of work line (the erosion control boundary), apparently for the installation of retaining walls and a gravel patio/seating area.
  - Retaining wall installation – a stone retaining wall, with a stone staircase, was installed on the lot behind the driveway and new house, apparently to create a level lawn area. The area where the wall is installed was to have been a slope covered in mitigation plantings.
  - Gravel patio – an area of gravel was placed at the base of the stone staircase in the rear retaining wall. This “patio” is within 50’ of the wetland line and so is not exempt from the need to be permitted; the patio may encroach upon the Commission’s 25’ Naturally Vegetated Buffer Zone.
  - Driveway expansion – the driveway has apparently been expanded to create a squared off parking area in the western corner of the driveway where it meets the garage.
  - Lack of flared-end overflow – the proposed flared end overflow to a rip rap area for the infiltration system was not installed as per the approved plans. Owner states that Engineering Department approval was issued for the removal of the overflow.
- Discussion
  - The Chair asked to take this item out of order before item 12.
  - After several site visits, staff are concerned that there is still a lot more lawn in place than what was originally approved.
  - Staff have received an updated as-built for this parcel demonstrating the owner’s recent efforts to bring the site back into compliance.
  - The applicant’s representative stated in an email to staff that there are slight differences in grading but that the nature of the grading is in keeping with the intention of the approved plan and directs runoff into the wetland.
  - The applicant’s representative suggested to staff an alternative to replanting the area where lawn might be required to be removed: donating money to the Newton Tree Fund. Both Commissioners and staff felt that this was not a precedent that they wished to set.
  - Commissioners determined that the site cannot be maintained in its current state and must be made to conform with the approved plans.
- Consensus: The limits of the lawn need to be per the approved plans and the areas shown on the approved plans as “tree line” must be re-vegetated and allowed to re-naturalize. This can be done either by moving the existing plantings or by installing new plantings. Leaf litter mulch should be used rather than bark mulch in these locations.

#### 16. (9:40) 33 Greenwood Street – Violation – limit of work violations – DEP File #239-848

- Owner/Applicant: Jeronimo Almeida, 33 Greenwood Realty, LLC Representative: none
- Staff Request: Determine if a notice of violation or an enforcement order should be issued to ensure the site is returned to compliance.
- Documents Presented: originally approved plans, site photos, draft EO
- Jurisdiction: Buffer Zone
- Violation Summary



- Limit of work violation – unknown amount of vegetation clearing beyond the originally approved limit of work line (the erosion control boundary), extending into the wetland resource area (BVW). The erosion controls are currently roughly 45' from the corner of the deck but were originally approved to be roughly 10-12' from the corner of the deck. The wetland boundary is 27' from the corner of the deck.
- Filling of wetland – there appears to be fill that has been brought into the wetland resource area, potentially “filling” the wetland.
- Discussion
  - This item was taken out of order after item 15 and before item 12.
  - Staff provided photos of the site and noted violations and potential steps to return it to compliance.
  - The Commission felt that an Enforcement Order was appropriate and that it should require the owner to bring a plan to the Commission detailing how the wetland area will be restored.
- Vote: To issue an Enforcement Order against 33 Greenwood Street with the following requirements. [Motion: Judy Hepburn; Second: Ellen Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]
  - The owner must immediately cease all construction activities within the jurisdiction of the Conservation Commission.
  - The owner must come before the Conservation Commission on June 24, 2021, to:
    - a. Explain his/her proposal for restoration of the areas that were altered without permission and ultimate compliance with the approved plans and Order of Conditions
    - b. Provide the restoration proposal/plan clearly overlaid on a stamped surveyed plan of existing site conditions.

**17. (10:15) DRAFT Risk Tree Assessment Form – initial review by the Commission**

- Request: Staff ask that the Commission to consider the draft form to formalize the assessment of risky trees that originate on Conservation land or that are within wetland jurisdiction.
- Documents Presented: DRAFT Risk Tree Assessment Form
- Discussion
  - This item was taking after item 14.
  - It was also clarified that this was developed at the suggestions of Tom Brady during a MACC session regarding risk trees.
  - Staff presented the draft form, noting that was a compilation from assessment forms from other sources.
  - The hope of the staff is to standardize the assessment of trees on conservation land that may pose a risk to private property or users, along with assessment of trees on private property within wetland jurisdiction.
  - While the Commission understands that consistency in review is important, that they had concerns that this may bring undue liability onto uncertified staff filling out the form, especially for trees not approved to be removed that cause damage to private property/users of our property.
  - The Commission stated that they did not feel comfortable with the form in its current state and felt it more appropriate for arborists to be making such assessments. They suggested giving this form to the arborist to fill out and then adding their findings to our files.
- Consensus: The draft assessment form presented tonight will be tabled for now, staff will continue to assess trees and if they are clearly a risk/hazard, can provide administrative approval for removal. For trees on private property that are of unclear risk, the owners must hire an arborist to confirm the risk. For trees on conservation land that are of unclear risk staff will ask for an assessment by Marc Welch, City Tree Warden.

---

**ADJOURN** at 10:33pm. [Motion: Susan Lunin; Second: Jeff Zabel; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Zabel (aye), Cade (aye), Gilligan (aye), Katz (aye); Vote 7:0:0]