

CONSERVATION COMMISSION MINUTES

Date: August 5, 2021

Time: 7:00pm – 9:00pm

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

<https://us02web.zoom.us/j/86302451177>

With a quorum present, the meeting opened at 7:00pm with Susan Lunin presiding as Chair.

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

Members Absent: Dan Green

Staff Present: Claire Rundelli

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

DECISIONS

I. CONSERVATION AREA DECISIONS

1. (7:00) Beekeeping Update and License Approval for Old Deer Park

- Documents Presented: Licenses for Old Deer Park and Norumbega, photos
- Presentation (Mark Lewis) and Discussion:
 - Mark provided an update on his current hive count – maintain 4 full size hives and 1 smaller hive.
 - Classroom hives to be restocked in the next few weeks include those at Emmanuel College, Boston ..., and Mission Hill Elementary School.
 - Mark has reached out to Newton Adult Education about developing curriculum for their students that involves his hives at the Old Deer Park. He and the president of Classroom Hives are also communicating with Newton South HS about getting some hives at that location, along with the students doing some research on competition between native honeybees versus European honeybees.
 - Mark has also been reaching out to experts in the field, including Dr. Geagar, regarding the issue of competition.
 - One Commissioner suggested moving the hives at the Old Deer Park to the Newton Community Farm, where there may be less of an issue with competition. Another Commissioner countered that they believe there are already established hives at the Community Farm. The current Commission liaison with the Farm Commission could not confirm.
 - Concerns were raised about bees at the Old Deer Park proving to be a safety issue once the park opens. Staff stated that they have had no issues with the bees in their numerous visits to this parcel.
 - Commissioners asked if Mark had plans to do any pollen collection or DNA analysis to provide further detail about where his bees are collecting from. Mark confirmed that he is doing honey analysis to provide further detail.
 - It was requested that Mark ensure all hives are appropriately raised 18” off the ground to ensure no issues with local wildlife. Mark confirmed that he would ensure this is the case with his hives.
 - Mark noted that he had forwarded sign language to staff for approval prior to installing. Staff had not received (issues between google docs and Outlook), but upon reviewing the language during the meeting both Commissioners and staff felt the language was appropriate.
 - Staff noted one requested edit to the license language regarding the timeline for removal of infrastructure upon termination of the license from 7 days to 21 days. Mark stated he has no issue with this change.
 - Staff informed the Commission that the Ohorilkos could not attend tonight due to some health issues, but that it is the understanding of staff that the hives at Norumbega will be removed prior to the expiration of the license currently before the Commission and will not be coming back for a renewal.



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Chief
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Claire Rundelli

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

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- Votes: To sign the 1-year licenses for the Old Deer Park, as edited, and Norumbega. [Motion (Deer Park): Leigh Gilligan; Second: Kathy Cade; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0] [Motion (Norumbega): Kathy Cade; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (abstain), Zabel (aye), Lunin (aye); Vote 5:0:1]

II. WETLANDS DECISIONS

2. (7:15) 160 Pine Street – cont’d NOI – retaining wall replacement – DEP File #239-898

- Owner/Applicant: David Altman, Advantage Property Management Representative: Eric DeNardo, Environmental Strategies and Management, Inc.
- Request: Issue an OOC.
- Documents Presented: Colored plans, seed mix detail, site photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain
- Project Summary
 - Replace an existing, failing wooden retaining wall with a Redi-Rock retaining wall (roughly 41 inches thick). The wall will be 4’ high for roughly 24’ feet and 7’ high for roughly 57’.
 - Erosion controls are proposed between the wall and the stream, along with additional tree protection for the twin black locust.
- Presentation (Eric Denardo) and Discussion
 - Provided a summary of the revisions done to the plans in response to staff comments including:
 - provided topography, details regarding the wall removal process, erosion controls, and stockpiling locations;
 - provided seed mix specifications (New England Wetland Plants Wetland Seed Mix); and
 - removed the note about catch-basin protection since there are no catch-basins in the vicinity.
 - The applicant’s representative stated that they did update the topography pulled from the Newton GIS to match with spot grades taken on site.
 - Commissioners asked if staff proposed any alternatives to the seed mix to restore areas between the stream and the wall, but because of the heavy canopy and root mass, staff feel that the seed mix is the appropriate choice and though the survival of it shouldn’t be conditioned.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Leigh Gilligan; Second: Susan Lunin; Roll-call vote: Green (aye), Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]
 - Once a contractor is selected, a construction management 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. At a minimum, it must address the following: staging for construction materials and equipment, site stability/erosion and siltation control, parking for construction workers’ vehicles, phasing of the project with anticipated completion dates and milestones, emergency contact personnel of the general contractor.
 - The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent.
 - Prohibitions include:
 - a. Damage to mature vegetation along the stream (as documented in pre-construction photos).
 - b. Litter left in the buffer zone or wetland.
 - 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). Location of replacement saplings must be reviewed and approved by staff prior to planting.

3. (7:35) Charles River Lower Basin – NOI (cont’d) – vegetation management – DEP File #239-900

- Owner/Applicant: Mass. Department of Conservation and Recreation Representative: Keith Gazaille, SOLitude
- Request: Issue an OOC.
- Documents Presented: Plans, site photos, draft OOC
- Jurisdiction: BVW, Bank, LUWW
- Project Summary

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- Management of invasive species within the Charles River through herbicide (Sonar/fluridone and ProcellaCOR EC herbicide (florpyrauxifen-benzyl) along with hand-pulling of water chestnuts
- Conditional use of algaecides for the management of cyanobacteria, if necessary, in the event of a health hazard, if/as necessary following Commission review and approval.
- Conditional use of other herbicides if/as necessary following Commission review and approval.
- Presentation (Keith Gazaille and Anne Carroll (DCR)) and Discussion
 - A DEP file number has been received.
 - After a call with staff to discuss the “New Staff Comments,” the applicant did submit a revised narrative addressing all staff concerns.
 - The applicant’s representative ran through the additional edits that were submitted on 8/4/21.
 - The Commission must determine whether it should permit this as a Limited Project (does it qualify as “ecological restoration” and does it need to have performance standards “waived”) or can it be permitted under Land Under Wetlands and Waterbodies (since it seems to meet the performance standards).
 - DCR and SOLitude believe that this project does qualify as an ecological limited project and have filed under and received Ecological Restoration Orders for all other similar filings. DEP actually uphold that a similar project under appeal did qualify as ecological restoration.
 - Will there be hand-pulling of water chestnuts in Phase I? Water chestnuts are not shown on the Newton map or calendar.
 - Hand removal of water chestnut is to occur as plants are spotted. Based on 2019 surveys and reports from other parties, DCR/SOLitude does not expect more than a few hundred plants to be removed each season.
 - No water quality monitoring information was given in the new narrative, so the Commission may be left to condition this.
 - DMF requires monitoring for the project should work occur outside of the time of year restrictions, that will require data on dissolved oxygen levels, pH, temperature, and turbidity. DCR/SOLitude has no issues with these requirements.
 - No information on project monitoring or verification was provided in the revised narrative, so the Commission may be left to condition this.
 - SOLitude stated that DCR is committed to spot checking any pre-treatment and post-treatment survey. DCR will also conduct site inspections periodically, along with checking in with other stakeholders who perform regular visits to the River (e.g., CRWA).
 - No information on a pre-treatment survey report (to be provided to the Commission) was given in the new narrative, so the Commission may be left to condition this.
 - The project team apologized for not being clear enough on their commitment to provide the pre-treatment survey. DCR/SOLitude is committed to submitting this information prior to the end of June each year.
 - No information on how ProcellaCOR will be applied was given in the new narrative, so the Commission may be left to condition this.
 - SOLitude clarified that ProcellaCOR will be applied through subsurface injection, with treatment area, which are determined by the pre-treatment survey, polygons being loaded into a GPS unit which will communicate with the injection technology to dose the prescribed polygon.
 - Since a land-based long-term remote set-up for Sonar application has not been discussed with the Commission and is not detailed in the revised narrative, it should not be permitted under this Order.
 - SOLitude agrees that this is not planned, and this potential treatment method is retracted.
 - Water chestnuts were shown in the potential treatment area map of Newton and off-loading sites weren’t identified, so off-loading and dewatering should not be permitted in Newton.
 - As stated above, no dewatering or disposal is planned in Newton. All plants pulled will be pulled onto the boat being used and immediately trucked to an upload disposal site.
 - No details of a year-end report were provided in the revised narrative, so the Commission may be left to condition this.
 - The project team clarified that they will be doing a post-treatment survey and developing a year end report which will be submitted to the Commission prior to Dec. 31st of each year.

- Commissioner's asked what the stance of other communities involved in the project is on the issue of DCR standing in as project monitor. Staff clarified that Watertown staff have stated that their Commission is not overly concerned, but that Boston staff do have some potential concerns about DCR serving as the project monitor. Cambridge staff could not attend the call, so it is unclear what their stance on this issue is. Newton staff stated that the size of the area being treated is within reason for DCR staff to inspect, but that they understand the concerns about potential conflict of interest.
- Staff stated that could the Commission vote to close the hearing tonight, but could allow for the issuance to be held until after Boston and Cambridge have their meetings on 8/18 and 8/16 respectively.
- Commissioners asked what the Charles River Watershed Association thought about the issue of monitoring. Lisa Krumpf (CRWA) was on the call and stated that she agreed that monitoring in the Watertown and Newton portions is much less of a burden and that DCR would have the expertise to monitor these sections. Her only concern would be about the time and resources needed to inspect/monitor the Cambridge and Boston sections. DCR staff stated that their staff are incredibly well trained in identifying these species and that it is their mission to prevent the spread of aquatic invasives. DCR has never been asked to hire a 3rd party monitor on similar past projects, and it is their strong preference to not set the precedence to hire a 3rd party, which would add time and cost burden to the project.
- One Commissioner stated that while they understand the potential for a conflict of interest, they do feel that DCR serving as the monitor rolls into the agency's mission statement of protecting the recreational resources of the state. They are accountable to citizens of the commonwealth and to our Commission to be doing this kind of thing right. Another Commissioner stated that we should simply fall in line with Boston's preference for the project.
- DCR staff asked for clarification on what the concern is regarding DCR serving as monitor. Is it that DCR will miss a section of invasives, or that DCR will label an area incorrectly as invasive? Staff stated that their understanding of the concern is that there may be "overtreatment" of the area.
- Commissioners asked if SOLitude subcontracts any of this work? SOLitude stated that they do occasionally subcontract work. Commissioners stated that would be their concern, a miscommunication between parties that resulted in an inaccurate dose of herbicides. SOLitude clarified that while they sub out some portions of work, they do not ever sub out the application portion of the contract. DCR and SOLitude clarified that the budget for herbicide is set by the areas determined to need treatment in the pre-treatment survey, so SOLitude would be paying out of pocket for increased use of herbicides beyond that.
- Commissioners asked what intervals inspections would be occurring. DCR staff stated that they go out and do regular spot checks after vegetation surveys.
- Commissioners stated that while there is an opportunity for maleficence with any contract scenario, they are confident in DCR monitoring the project, especially a project that is so needed. They stated that it must be clear what the Commission's concerns are regarding the monitoring, to ensure that it is outlined in the conditions why we are requiring whatever is determined to be the best solution.
- Staff clarified for the Commissioners the area that is being treated in Newton, and confirmed that no treatment is proposed west of the Watertown Dam.
- Staff ran through the proposed conditions with the Commission and the project team stated their acceptance of all listed special conditions. Staff did note that this language would be forwarded to the staff for the other Commissions involved in this project, to ensure there was similar language in their OOCs.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. Final special condition language will be reviewed by the other communities affected by this project (Boston, Cambridge, and Watertown), and may be edited prior to the final issuance of the Order of Conditions. [Motion: Leigh Gilligan; Second: Susan Lunin; Roll-call vote: Green (aye), Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]
 - This Order authorizes the use of only ProcellaCOR/Florpyrauxifen-benzyl and Sonar/Fluridone. The use of Diquat/Tribune, Clipper/Flumioxazin, Clearcast/Imazamox, any other chemical herbicide treatment, or any copper or peroxide-based algaecide treatment is strictly prohibited unless the Applicant seeks and obtains Commission approval for their use as minor plan changes.
 - To ensure broad understanding of this Order and good lines of communication, the applicant must provide:
 - a. A signed Certificate of Understanding.

- b. Contact information for those responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
- c. Anticipated timeline
- To ensure broad understanding of this Order and good lines of communication, the Applicant must:
 - d. Review all conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions. The project supervisor overseeing daily operations at the site must read this Order.
 - e. Include this document in all contracts, subcontracts, and specifications associated with the proposed work and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors and personnel performing the permitted work are aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.
- The applicant shall notify the Conservation Office 48 hours prior to any chemical treatment effort.
- The applicant, or contractor, shall obtain a valid BRP WM 04 Permit for the application of herbicides for the designated target species.
- Prior to the start of application, the Applicant must submit final 2021 application plans to Commission staff. Commission staff will determine whether there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
- Prior to the start of application, the Applicant shall provide the Commission with a plan specifying measures to inform and protect the public during nuisance vegetation management activities. Any flyers notifying the public shall identify the DEP File number for this approval.
- Department of Conservation and Recreation staff shall periodically check the work of the approved contractor throughout the season and shall spot check any vegetation surveys to ensure accuracy. If third party monitoring is required by Boston, Cambridge, or Watertown, the Applicant shall send copies of said monitoring reports to Newton as soon as they are released.
- If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, the applicant and licensed applicator must immediately contact the DEP's Emergency Response section, the Department of Fish and Game, and the Newton Conservation Commission, and all site-related activities impacting the water must cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
- The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident.
- Pre-treatment visual survey shall be conducted towards the beginning of the growing season to accurately determine the areal extent of the targeted invasive plant species. Wide Area Augmentation System (WAAS) enabled GPS shall be used to geospatially reference the perimeter of various invasive plant beds within the project area. This information will culminate into target plant bed and management area maps. These data shall be used to inform the annual management effort throughout the program.
- Pre-treatment report These reports must be given to ConCom on or before July 1st in any year the Order is valid, and shall include, at a minimum:
 - a. plans (maps),
 - b. photographs (annotated and keyed to the plan),
 - c. a narrative which describes percent vegetative cover by species.
 - d. any new growth of target species
 - e. updates on all recent/ongoing nuisance vegetation; and
 - f. any anticipated activities to be undertaken in the coming year
- Herbicide Applications in General.

- a. All application of herbicides approved for use by this Order shall be applied by an applicator licensed (in the aquatic weed category) by the Massachusetts Department of Agricultural Resources (MDAR), Pesticide Bureau.
 - b. Applications of herbicide must follow all product label directions.
 - c. Herbicide application shall not occur during periods when wind speed exceeds 10 miles per hour.
 - d. Herbicides shall not be applied within 4 hours before a forecasted rain event, during a rain event, or within 4 hours after a rain event.
 - e. There may be no mixing or storage of herbicide in the wetland resource areas, or the buffer zone.
- ProcellaCOR Applications
 - a. Prior to treatment, the shoreline of the waterbody will be posted with signs warning of temporary water-use restrictions.
 - b. ProcellaCOR will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions (April 1-June 30 & September-1 November 15).
 - c. ProcellaCOR will be applied to the areas of milfoil growth from 2 to 4 PDU/ac-ft. (The permissible maximum label rate is 25 PDU/ac-ft). One PDU is equal to 3.17 ounces.
 - d. ProcellaCOR herbicide will be applied from a boat equipped with a calibrated pumping system and real-time GPS navigation. The designated treatment area polygons will be loaded into a GPS unit to allow proper identification of specific treatment areas and even and uniform application of the herbicide. Based on the criteria provided, the appropriate ProcellaCOR dose will be diluted with river water on board the treatment boat. The herbicide solution will then be injected sub-surface through trailing drop hoses from the treatment boat. This process will be repeated for all identified/designated ProcellaCOR treatment areas.
 - e. For granular applications, the herbicide will be placed into a circular spreader mounted to the bow of the treatment vessel and evenly distributed over the surface of the treatment area. Using the pellet formulations, the active ingredient is gradually released off the clay carrier pellet over a period of several weeks. This allows for a controlled and extended exposure to Fluridone concentrations. For aqueous applications to smaller acreage amounts, the herbicide will be placed into an onboard mixing tank, mixed with river water and evenly distributed throughout the surface of the treatment area via boat. This herbicide will be applied under the water surface through trailing hoses, minimizing the chance of herbicide drift and assuring accurate placement over the target species.
 - Sonar/Fluridone Applications
 - a. Although there are no restrictions on swimming, boating or fishing, prior to treatment the shoreline of the river will be posted with signs warning of temporary water use restrictions.
 - b. Sonar will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions (April 1-June 30 & September-1 November 15).
 - c. Concentrations in the range of 5-10 ppb will be targeted for the control of the invasive species assemblage present in the Lower Basin. (Note: US EPA has approved a limit of 150 ppb to be allowed in water used for drinking.)
 - d. For granular applications, the herbicide will be placed into a circular spreader mounted to the bow of the treatment vessel and evenly distributed over the surface of the treatment area. Using the pellet formulations, the active ingredient is gradually released off the clay carrier pellet over a period of several weeks. This allows for a controlled and extended exposure to fluridone concentrations. For aqueous applications to smaller acreage amounts, the herbicide will be placed into an onboard mixing tank, mixed with river water and evenly distributed throughout the surface of the treatment area via boat. This herbicide will be applied under the water surface through trailing hoses, minimizing the chance of herbicide drift and assuring accurate placement over the target species.
 - DMF's requirements regarding Time of Year (TOY) restrictions
 - a. ProcellaCOR will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions (April 1-June 30 & September-1 November 15).

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- b. Sonar/Fluridone will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions (April 1-June 30 & September-1 November 15).
 - c. If work is to be conducted during the TOY restriction, the pre-treatment survey results, and pre-treatment report shall be provided to DMF and the Commission on or before June 15th.
 - d. If work is to be conducted during the TOY restriction, the Applicant shall develop a monitoring plan in accordance with Massachusetts Division of Marine Fisheries (DMF) requirements. Said plan must be submitted to and approved by DMF and Commission Staff.
- Water chestnut hand-pulling may take place at any time, but preferably towards the end of June. Dewatering and disposal must take place off-site (no upland site in Newton has been identified or approved) and in a manner appropriate to management and control of that invasive species.
 - Water quality testing shall occur pre- and post- treatment each season according to DMF standards.
 - The Applicant or their contractor must keep a daily log summarizing all treatment activities of this project on every day that such activity occurs. These logs will be kept in accordance with state practice.
 - Post-treatment survey. At or near the conclusion of active management and the growing season, a post-management survey of the Lower Basin will be conducted. This survey will replicate the 555 point-intercept survey established during the 2019 survey effort with rake-toss collections made at each survey point.
 - Year-end reports outlining the results of all surveys and monitoring conducted, the management strategies employed and their outcome, documented/observed non-target impacts, and future management needs/recommendations. This report shall be submitted to the Commission no later than December 31st each year.
 - Peer Reviews. The Commission may, at its discretion, require applicant-funded, third-party peer reviews of the water quality data, pre-treatment surveys, pre-treatment reports, post-treatment surveys, and/or year-end reports.

4. (8:15) 32 Placid Road – NOI – single-family home addition and new deck – DEP File #239-899

- Owner/Applicant: Norma Garcia Representative: Timothy McGuire, Goddard Consulting, LLC
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: BLSF, City Floodplain
- Project Summary
 - Demolish existing porch on the side of the house.
 - Construct a single-story addition and new deck in the location of the porch to be removed.
 - No tree removal is proposed.
 - The project would result in 27.71 cubic feet of fill being brought on site and proposes to create 67.58 cubic feet of compensatory flood storage by providing a cut at the 118' elevation.
- Presentation (Tim McGuire) and Discussion:
 - The applicant's representative provided a summary of the proposed work and the additional clarifications provided to staff after receiving the staff comments. They are amenable to additional plantings and the proposed lattice (photo provided) does meet the enclosure guidelines.
 - The project is creating a generous excess of compensatory storage.
 - Commissioners asked for clarification on the increase in impervious area. Staff clarified that there is an increase in impervious area proposed, but because the only jurisdiction is BLSF, there are no requirements for mitigation for impervious area increase and that the 10 shrubs proposed by staff should be appropriate mitigation for the wildlife habitat performance standard.
- Vote: To close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Leigh Gilligan; Second: Susan Lunin; Roll-call vote: Green (aye), Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]
 - The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent
 - Additional required plantings within Commission jurisdiction must:
 - a. Stabilize all disturbed areas.

- b. Be installed in an area equal to the “exist plants” shown on the plans or ~288 s.f. and consist roughly 10 shrubs. Should any species differ from those listed below, they must be reviewed and approved by the Conservation office prior to installation.
- c. Be comprised of a mix Dwarf Bush Honeysuckle (*Diervilla lonicera*), Sweet Pepperbush (*Clethra alnifolia*), and American holly (*Ilex opaca*).
- d. Have a survival rate of 100% of total number of shrubs (after 2 growing seasons).
- e. Mulch applications shall diminish over time and eventually cease as shrubs spread.
- Compensatory flood storage must be provided in its entirety as per the plans, through grading cuts at the 118’ counter line, under the proposed addition and deck. Any soil removed from the site must be disposed of properly off-site.
- The required planting shall be maintained in perpetuity in their 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 structure other than the minimal skirting allowed under the Conservation Commission’s guidelines for Construction in Flood Zone (approved 10/8/20).

5. (8:35) 96 Lake Avenue – teardown/rebuild single-family home – DEP File #239-XXX

- Owner/Applicant: Tamar and Philip Warburg Representative: Dana Altobello, Merrill Engineers and Land Surveyors
- Request: Issue an OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain
- Project Summary
 - Note: much of the site work is outside Commission jurisdiction.
 - Demolish existing single-family home, including driveway and rear patio.
 - Construct new single-family home with permeable paver driveway, concrete patio, paver patio, and stormwater systems. A very small increase in impervious area within the 100-foot buffer is proposed.
 - Replace back yard stone stair edging to provide safety.
 - Undertake repairs to stabilize the retaining wall that defines the bank of Crystal Lake
 - Removal of invasive shrubs is proposed. No trees are proposed to be removed within Commission jurisdiction.
 - Mitigation plantings are proposed close to the Lake and include 57 native shrubs and herbaceous plants.
- Presentation (Dana Altobello) and Discussion
 - At the time of this meeting a DEP File number has not been issued and the hearing cannot be closed.
 - The owner (Tamar Warburg) and project representative provided a summary of the proposed work and their intention to keep the site as natural as possible.
 - Tamar clarified that there are existing plastic pavers below the moss in the rear yard in a number of locations, which they plan to excavate. This is why the proposed patio near the pond edge was marked as “restore.”
 - The applicant did provide stabilization specifications for the proposed swale, including a seed mix detail and erosion control blanket specs, should the seed have trouble.
 - Commissioners asked for clarification on the proposed versus existing impervious area on the site within jurisdiction. Staff and the project team clarified that there is very little proposed new impervious area within jurisdiction. The pink area colored on the plan is meant to show the proposed transition between open area with walkway to house.
 - The project is within a historic jurisdiction and is going back before the Historic Commission later in August to get approval for the proposed design.
- Vote: Vote to continue the hearing to 8/26/21 to allow for the issuance of a DEP File number. [Motion: Ellen Katz; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]

6. (9:00) 64 Selwyn Road – COC Request – addition to SFH – DEP #239-792

- Owner: Shachar Rabbe Representative: none
- Request: Issue COC.
- Documents Presented: none
- Discussion: All required COC materials have been received and a site visit on 7/19/21 confirmed the site is in substantial compliance.

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- Vote: To issue a Certificate of Compliance. [Motion: Kathy Cade; Second: Judy Hepburn; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]

7. (9:05) 144 Upland Avenue – COC Request – new deck – DEP #239-480

- Owner: Marc Abend Representative: none
- Request: Issue COC.
- Documents Presented: none
- Discussion: All required COC materials have been received and a site visit on 7/21/21 confirmed the site is in substantial compliance.
- Vote: To issue a Certificate of Compliance. [Motion: Leigh Gilligan; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]

8. (9:10) 20 Rogers Street (Crystal Lake) – COC Request – Left Beach restoration work – DEP #239-897

- Owner: City of Newton Representative: Luis Perez Demorizi, Parks, Recreation and Culture
- Request: Issue COC.
- Documents Presented: none
- Presentation: All required COC materials have been received and a site visit on 7/28/21 confirmed the site is in substantial compliance. [Motion: Leigh Gilligan; Second: Judy Hepburn; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]
- Staff Recommendations: Vote to issue a Certificate of Compliance.

II. CONSERVATION AREA DECISIONS – None at this time.

III. ADMINISTRATIVE DECISIONS

9. (9:20) Minutes of 7/15/21 to be approved

- Documents Presented: Draft 7/15/21 minutes
- Vote: To accept the 7/15/21 minutes as edited. [Motion: Ellen Katz; Second: Jeff Zabel; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]

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

UPDATES

V. WETLANDS UPDATES

- 10 Gambier: Knotweed management is going well!

VI. CONSERVATION AREA UPDATES

- Riverwalk bike rack: No word from the Eagle Scout who had been interested in installing a bike rack.
- 628 Boylston St: A historic encroachment was discovered onto Oakdale Woods Conservation Area. Staff are working with the homeowner to restore the encroachment area and roughly mark the property line. Commissioners suggested Comptonia if additional plantings are needed.

VII. ISSUES AROUND TOWN UPDATES

VIII. ADMINISTRATIVE UPDATES

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

ADJOURN at 9:00pm [Motion: Ellen Katz; Second: Kathy Cade; Roll-call vote: Hepburn (aye), Cade (aye), Gilligan (aye), Katz (aye), Zabel (aye), Lunin (aye); Vote 6:0:0]