

CONSERVATION COMMISSION MINUTES

Date: Thursday, September 23, 2021

Time: 7:00pm

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

<https://us02web.zoom.us/j/81477829237>

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

Members Present: Dan Green, Susan Lunin, Kathy Cade, Jeff Zabel, Judy Hepburn and Leigh Gilligan and arriving at 7:59pm Ellen Katz.

Members Absent: None

Staff Present: Jennifer Steel

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

DECISIONS

I. WETLANDS DECISIONS

1. (7:00) Albemarle Road (near #250) – Emergency Certification Ratification – Pedestrian Bridge Removal

- **Owner:** City of Newton **Applicant:** Josh Morse, Commissioner of Public Buildings
- **Request:** Ratify Emergency Certification.
- **Documents Presented:** Site photos, E-Cert
- **Presentation (Jennifer Steel) and Discussion:**
 - **Bridge Removal:** On 8/19/21, tropical storm Fred resulted in floodwaters overcoming the capacity of Cheesecake Brook. This resulted in localized flooding of the northbound side Albemarle Road. Consequently, a vehicle traveling northbound was carried away by the floodwaters and subsequently struck and irreversibly damaged the Cheesecake Brook Pedestrian Bridge located between Watertown Street and Craft Street. DPW needed to remove the bridge superstructure to eliminate the immediate hazard.
 - Conservation staff issued an Emergency Certification for City DPW/Public Buildings staff to remove the old bridge due to the safety hazard.
 - **Bridge Replacement:** The City will submit a request for a temporary new bridge and have requested the proposal be approved under a second Emergency Certification.
 - This bridge is used by hundreds of students from the F.A. Day and Horace Mann Schools every morning and afternoon. Additionally, patrons of the Gath Pool and Albemarle Field complex use the bridge. Pedestrian traffic has been temporarily re-routed. The lack of a pedestrian bridge is forcing a high volume of students to navigate multiple major high-vehicle-volume intersections creating unsafe conditions at these locations for students, parents, and motorists. The temporary bridge is necessary to restore the safe pedestrian and bicycle access to and from the schools and park. The nature of the accident and the immediate need for the repairs qualify as an emergency.
 - Replacement of the bridge deck with a temporary deck on new footings will be initiated under a separate Emergency Certification. The bridge is due to arrive and be assembled onsite the week of 9/27 and will be installed on 10/4/21 with a crane, weather allowing. Work should be completed in October.
 - Two new footings are proposed because the existing footings are at different heights.
 - The new bridge will be slightly lower than the old one to ensure that the new bridge is closer to meeting ADA standards for accessibility.
 - Conservation staff did not feel that there would be any adverse impact from the new bridge installation.
 - A Commissioner asked why the new bridge would be temporary. Conservation staff stated that there is an intention to install a fully accessible permanent bridge, but because the school year is starting and access is needed to the Russell Halloran Athletic Complex, there is interest in getting an adequate structure in place at this point.
 - A Commissioner noted that the lower-profile bridge might “make it easier” for a car to



Mayor

Ruthanne Fuller

**Director
Planning &
Development**

Barney Heath

**Chief
Environmental
Planner**

Jennifer Steel

**Conservation
Commission
Members**

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

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crash into the bridge, noting that such an accident had occurred in the past and that large storms were becoming ever more frequent.

- Two votes are requested – the first to ratify the existing E-Cert and the second to authorize staff to issue an E-Cert for the installation of temporary new bridge.
- Vote: To ratify the existing E-Cert for the removal of the bridge. [Motion: Dan Green; Second: Jeff Zabel; Roll-call vote: Lunin (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Green (aye), Cade (aye); Vote: 6:0:0]
- Vote: To authorize staff to issue a second E-Cert for the installation of a temporary new bridge. [Motion: Dan Green; Second: Kathy Cade; Roll-call vote: Lunin (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Green (aye), Cade (aye); Vote: 6:0:0]

2. (7:15) 1 Riverside Road – NOI – pedestrian bridge and park improvements – DEP File #239-903

- Owner/Applicant: Paul Jahnige, Mass. Department of Conservation and Recreation Representatives: Julia Stearns, BETA Group, Inc., Brian Meyers and Sam Campbell, GPI
- Request: Issue an OOC.
- Documents Presented: Plans, site photos, draft OOC
- Jurisdiction: RFA, BLSF, Bank, LUWW, BVW, Newton Floodplain Ordinance
- Project Summary: Improvement activities proposed within Newton include:
 - Demolition of the existing bridge, including removal of the existing northern abutment and northern pier;
 - Construction of an 18.2-foot wide, 195-foot-long bridge (approximately 97 feet in Newton), including installation of 6 bridge support piles (4 in Newton);
 - Installation of an approximately 300-foot-long 10-foot wide hot-mixed asphalt (HMA) shared-use path with vegetated shoulders connecting the bridge to the sidewalks on Riverside Road and parking lot;
 - Replacement of an approximately 150-foot-long paved path with two 5-foot-wide crushed aggregate foot paths with vegetated shoulders connecting the parking lot and the shared-use path to a companion/rest area space with park benches adjacent to the Charles River;
 - Milling and HMA overlay reconstruction of the parking area and sidewalk extensions;
 - Utility pole installation, trail pavement markings/ signage;
 - Stormwater/drainage improvements: 4 deep-sump catch basins, gravel diaphragms, and water quality swale; and
 - Earthwork, landscaping, and other items incidental to construction of the rail trail.
- Presentation (Brian Myers and Sam Campbell, GPI, and Paul Jahnige, DCR) and Discussion
 - Staff identified a number of concerns and outlined them in the detailed agenda provided to the Commission and the project team. The project team noted that they have some preliminary responses to those comments, provided some background information, then ran through the comments in order.
 - A DEP File number was received immediately prior to this hearing.
 - This is a MassDOT project. MassDOT is paying for the design and construction, but DCR will then take ownership of the bridge.
 - The proposed bridge will fall in the same location but will be wider.
 - Three paths are proposed, a meandering path, a path to a seating area, and the main path to and across the bridge.
 - Currently there is no drainage systems on site, but the proposed work includes some management methods to infiltrate runoff from the parking lot through a stone diaphragm and into a vegetated swale (with overflow to the street drainage system).
 - Staff questions/comments (applicant responses in *italics*)
 - Materials requested
 - Applicant Paul Jahnige's phone number. *Applicant will provide*
 - Clear existing conditions plan sheet. *Applicant has pulled together a simple existing conditions plan that they will submit.*
 - Clear grading plan sheet showing existing and proposed grades and areas of cuts and fills in BLSF (once the flood elevation is clarified). *Applicant stated that clear cut and fill calculations were provided in the submitted NOI documents and they can provide clearer base plans showing cut/fill*
 - Clearer drainage plans (the existing ones are too "busy" and unclear). *Applicant stated they could provide just a plan showing drainage and other utilities to be clearer.*

- Clearer plans showing areas of cutting and grubbing. Clearer plans of trees with Identification of species and size of trees to be cut and protected (e.g., clarify those near the bridge). *Applicant team could not provide a clear idea of what the cutting/clearing is going to be. The Commission noted that that would be necessary for their review.*
- A current wetland line. It was last done in Aug. 2018 and didn't appear to investigate soils in the lawn. *Julia Stearns (BETA) responded that the only resource area flagged on site were bank, and not BVW. Staff responded that they had concerns about the timing of the delineation being so long ago, and that the water levels on site during the staff pre-hearing site visit were very high. Staff asked if soils had been augured, as they did not have any delineation materials provided with the NOI application. Julia Stearns responded that the areas along the bank were augured but the existing grass areas were not augured. She offered to hang flags to reflect current conditions.*
- Staff noted that the pre-hearing site visit and staff assessment was hindered by the lack of communication from the project team and the fact that no features were staked in the field. *The applicant responded that they would be in contact to set that up a site visit with staff.*
- BLSF needs clarification
 - The 100-year flood elevation is illustrated as the 38 ft NAVD88 contour, but is shown on the plan sheets as 40.3 ft NAVD88. BLSF elevation must be clarified and documented. *The 38' was pulled from the FEMA flood insurance maps. The 40.3' was from the hydraulic study. Their goal was to show that the proposed work will result in no net rise in the base flood elevation.* Staff responded that they would like to take this conversation offline to discuss with the project team the FEMA profiles and the map lines.
 - The extent of BLSF must be clarified on the plan sheets. *See above*
 - The cut and fill table (page 11) indicates a 175 cf cut at the 34-34.5 foot elevation and a net cut of 1.75 cf. Please clarify. *The applicant clarified that there was a misplaced decimal point and this will be corrected on revised materials.*
- Meeting regulatory requirements
 - Please clarify how Bank will not be impacted by the clearing shown right up to the bank line. *The applicant clarified that only selected tree trimming is proposed up to the bank (along with selective invasive removal management plan, which is a required aspect of the contract specs), which they believe will not impact the stability of the bank. The tree trimming is intended to increase river visibility, encourage use of currently underutilized areas, provide laydown areas for construction, and accommodate the crane arm swing during installation of the bridge structure.* Staff noted that this showcases the need for legible plans detailing clearing to ensure proper conditions are in place.
 - Please explain how removal of invasive species qualifies as "Resource Area Restoration". (see page 8 of the application narrative) *The intent of the project is to remove invasive plant species and replace them with native species. They asked if the term "enhancement" would be more appropriate.* Staff questioned the notion of "enhancement" if it were extensive clearing of a currently vegetated riverfront.
 - Please explain how the new development in RFA meets the standards of 10.58(4). *Work protects all other resource areas; project is no located within NHESP mapped areas; an alternative analysis has been prepared and provided; the project will alter less than 10% of the riverfront area (as applied to the portions of the project that do not qualify as a limited project). They did recognize that this number may change if the BLSF elevation changes.* Staff clarified that she really wants to be sure that this project is meeting the standard in regarding to improving/maintaining the 100' vegetated buffer to the maximum extent practicable.
 - Does the project meet the City's Floodplain Ordinance fully? If not, how does it fall short? *The applicant stated that they do meet the ordinance with the 40.3 elevation, but recognize this may change if the elevation changes. They are proposing 112% compensatory storage for a 38' BLSF.*
- Trees and shrubs
 - It appears that there are several trees and saplings near the bridge that will likely be removed – some (but not all) trees (and none of the saplings) are shown on the plan, but there is no indication of which are due to be removed and which are due to be protected (and how). Please

clarify. One huge oak is close to the pathway – what is its fate? *Applicant stated that they will provide plans showing all trees on site and the proposed removals.*

- Please sum up the total caliper inches of trees to be cut and to be planted. *Applicant will provide caliper measurements of trees to be removed, which they do not have at this time.* Commissioners clarified that this would be required under the City’s Tree Ordinance as well. *Applicant clarified that they do have some measurements, as they were needed to appropriately spec out the contract and payments, but they do not have them all.*
- It appears that most of the vegetation along the river is invasive. Will it all be removed? What will be “trimmed”. What is the long-term invasive maintenance plan? *Applicant stated that the approved contractor selected for this service, from a MassDOT pre-approved list, will conduct invasives management will be done in accordance with best practices.* Staff asked if there was anyone on the project team on the call who could respond more to this. *The applicant stated that they would have someone present for the next hearing.*
- Please clarify the anticipated extent/nature of “trimming” and “invasive removal” near the Bank. *See above.*
- Please clarify the intended “final conditions” of the restored area along the bank. *See above.*
- Planting
 - How will soil compaction (and generally poor soils near bridge approach) be addressed? *Removal of the existing abutments will result in significant excavation and movement of soil on site, which will likely resolve any issues with soil compaction. Disturbed areas will also be loamed and seed and the landscape plans call for decompaction within the laydown area when construction is completed.*
 - Clarify where the winterberry, bayberry, elderberry, and viburnum shrubs are due to be planted. *Applicant provided clarification to the plans presented to the Commission and stated that there were clear labels on the “blow-up” plan sheets.*
- Construction
 - The applicant should ensure/illustrate that there is adequate space on site for all required activities. *The applicant clarified that all work in the lay down area is sufficient for work on the Newton side of the river, and that additional work will occur on the Weston side of the river.*
 - An anticipated dewatering location?
 - An anticipated concrete washout location?
 - Anticipated staging and stockpiling locations?
 - Construction vehicle parking locations
 - The contractor will be responsible for submission of the following plans. *The applicant agreed that the contractor will be responsible for all things listed below and a SWPPP. The applicant stated that they are fine with a condition requiring more robust erosion controls, and that the erosion sock shown on the plans was simply to demonstrate the limit of “earthworks” for the project.*
 - a demolition and containment plan,
 - a dewatering plan
 - a concrete washout plan
 - a staging and stockpiling plan
 - a clear and “beefed up” erosion control plan – 12” compost socks are likely not adequate. Staff suggested a phasing approach to erosion control based on where access is needed and how that might change throughout the project.
 - What time of year restrictions are anticipated? (see page 7 of the application narrative). *The applicant is unaware of any at this time, but those would be brought to light during the US Army Corps of Engineers permitting process.*
 - Bridge
 - Please clarify why the “design” flood is the 10-year flood, not the 100-year flood (or greater). *The applicant used the standard for a “local roadway” design standard for this path, which is the 10-year flood. The 100-year flood is only used for highways and interstates. The bridge truss will be 2’ above the 100-year base flood elevation (BFE) and the bridge surface will be 4’ above BFE, only the pile caps and piles will be below the BFE.*

- Commissioners asked if this method of going through all these questions and answers was a valuable use of the Commission’s time. The Chair noted that there are only a few items left to address, and since the Levingston Cove hearing cannot start until 8:30pm, they may as well continue the discussion. Staff suggested that she show the site photos to provide some context for the remaining questions.
 - After the virtual “site tour”, Commissioners asked if the removal of “junky vegetation” will really have no ecological impact, just because they are invasives. Staff agreed and stated this is why it is imperative that there be a clear understanding of the scale of intended clearing, noting that clear-cutting for the sake of removing invasives doesn’t necessarily constitute an improvement.
 - Paul Jahnige stated that they will provide a clearer picture of the proposed project, and that he appreciates the time that has been spent reviewing these plans in such detail. He intends for this project to really improve the cyclist and pedestrian experience along this section of the river.
 - Staff recommended continuing to two meetings from now, due to this meeting having been pushed forward a week, to allow for site visits, plan revisions, and staff review.
- Vote: To continue the hearing to 10/28/21. [Motion: Susan Lunin; Second: Jeff Zabel; Roll-call vote: Lunin (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Green (aye), Cade (aye); Katz (abstain); Vote: 6:0:1]
 - Note: Commissioner Ellen Katz abstained because she arrived part way into this discussion.
- 3. (8:15) 12 Dunstan Street – COC Request – addition – DEP #239-725**
- Owner: Yang Shi Lu Representative: Joe Porter
 - Request: Issue COC.
 - Discussion: All required COC materials have been received and a site visit on 9/9/21 confirmed compliance.
 - Vote: Vote to issue a Certificate of Compliance. [Motion: Leigh Gilligan; Second: Judy Hepburn; Vote: 6:0:1]
 - Note: The Chair took a brief break during this item and did not vote.
- 4. (8:20) 87 Boulder Road – COC Request – new 2-story SFH, driveway, and landscaping – DEP #239-816**
- Owner: 88 Hyde Properties LLC Applicant: Ilya Fuchs Representative: John Rockwood
 - Request: Issue COC.
 - Documents Presented: Proposed plan, site photos
 - Discussion:
 - All required COC materials have been received. Staff site visit on 9/16/21 found general compliance, but a number of dead shrubs. There is mostly adequate aerial coverage of the proposed planting area and 75% survival of the number of shrubs, but all the shrubs under a Norway maple tree died and the grass is not doing well (there was standing water at the time of the staff site visit).
 - Commissioners noted that the project has met the 75% number requirements, and so they should issue the COC, but that staff should provide the owner advice for enhancements/improvements, such as suggestions for hardy plants that would thrive in a rain garden.
 - Vote: Vote to issue a Certificate of Compliance. [Motion: Leigh Gilligan; Second: Jeff Zabel; Roll-call vote: Lunin (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Green (aye), Cade (aye); Katz (aye); Vote: 7:0:0]
- 5. (8:30) Levingston Cove (Crystal lake) – cont’d NOI – park erosion and access improvements – DEP File #239-901**
- Owner: City of Newton Applicant: Luis Perez Demorizi, Open Space Coordinator, Newton Parks, Recreation & Culture Representatives: Alexandra Gaspar and Cassie Bethoney, Weston & Sampson Engineers
 - Request: Issue an OOC.
 - Documents Presented: Colored plans, site photos, draft OOC
 - Jurisdiction: Bank, City Floodplain, LUWW
 - Project Goals
 - Ensure through pedestrian movement
 - Preserve and enhance opportunities for passive recreation and fishing
 - Ensure accessibility across the site
 - Improve how stormwater moves and is captured on site
 - Create a landscape that is stable and sustainable
 - Enhance and protect views
 - Improve water quality

- Project Summary
 - Install new ADA-compliant pathways.
 - Install a new deck that will cantilever out over Crystal Lake and an at-grade deck. If funds allow, add stone veneer to outside face of existing retaining wall along the lake edge.
 - Regrade banks and introduce walls (terracing and seating walls) to ease steep slopes.
 - Install native plants, reinforced turf, and rain gardens and infiltration trenches at the toe of steep slopes to stabilize eroded slopes. Proposed plantings include 7 trees, 159 shrubs, 559 herbaceous perennials, 1442 upland grasses/rushes/sedges, and 519 aquatic grasses/perennials.
 - Remove invasives (and one tree) and install native species along the bank.
- Presentation (Luis Perez Demorizi and Cassie Bethoney, Weston and Sampson) and Discussion
 - The applicant noted that the project they are bringing forward is strongly supported by the City in general, the Parks and Rec Commission, the Commission on Disability, and the Community Preservation Committee. PRC staff made a significant effort to coordinate with the public to address a number concerns, as outlined below.
 - Disturbance (grading and clearing) at the northern end of the project site has been reduced (using a retaining wall)
 - Riverstone has been replaced with granite block – which is intended to provide bank stabilization
 - Concrete decking has been replaced with composite decking.
 - The amount of concrete and number of micropiles has been reduced.
 - The planting schedule has been simplified.
 - Options for protection (fencing) of rain gardens have been considered.
 - Conservation staff stated that yesterday they received revised plans based on a meeting with the applicant team where the staff comments were reviewed. The plans being presented/projected during this hearing are those revised plans.
 - Plan sheet by plan sheet staff reviewed the “clouded” changes made to the colored plans in the Commissioner’s packets. The project team provided further detail on the changes made from the colored plans in the packets.
 - In the specification bid language the applicants have detailed a number of submissions from the contractor that would have to be reviewed by Conservation staff prior to the start of work,
 - Staff highlighted the materials changes made to the proposed deck.
 - The applicant’s representative noted that there were grading changes needed to ensure that all walkways are ADA compliant with a grade of no more than 5%.
 - Conservation staff noted that the planting schedule has been simplified and revised to include more shrub material and less perennial material to create planting areas that are more robust, taller, and less vulnerable to foot traffic. The applicant’s representative identified the shrubs species to be used and stated that the perennial/herbaceous plants would be focused in the LUWW and Bank restoration areas.
 - All plantings will be guaranteed for 2 years by the contractor.
 - Conservation staff and the applicant team discussions focused heavily on fencing, both protective fencing for planted areas and fencing to direct foot traffic, and how that could be used to improve site stability and user experiences. Railings were also discussed, with a lot of focus on the height of the railings and how to discourage undesired foot traffic. A roughly ~36” high fence is to be installed around the planting areas to ensure survival. Commissioners asked if the fencing discussed was going to be sufficient for the level of use on this site. Conservation staff said she hoped that it would but was not confident.
 - Commissioners asked some questions about the proposed seat walls and retaining walls. The applicant’s representative replied that the walls would ease the grades significantly.
 - One Commissioner noted that she was at the site on 9/8/21 and was amazed by the amount of use this area was getting on a weekday afternoon, with over 30 people with lawn chairs and beach towels and undertaking activities here that are not allowed at the bathhouse/beach site (e.g., dog walking and launching inflatables). She feels that inflatables will clog the pathways and that the proposed fencing will not be sufficient to channel foot traffic as desired or to sufficiently protect the natural resource and ensure that the grass and plantings will survive. PRC staff clarified that they envision temporary fencing and asked for some leniency from the Commission so that they could balance the costs and environmental impacts of fencing. The W&S representative stated that they could not provide enough hardscape to satisfy the potential demand and that the reinforced turf to be installed in the

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highest use areas had been successful in other high-use sites in NY City, among others. The applicant team clarified, at Commissioner request, that boating is allowed at Levingston Cove.

- One Commissioner suggested the use of geo-tech fabric in any location where turf is installed. PRC staff feel that the turf reinforcement proposed is sufficient, and that there are budgetary implications, as well as the intent of minimizing disturbance of the lawn areas, that prevent the use of geo-tech fabric.
 - One Commissioner noted that she felt that if the project had been brought to the Commission earlier, a lot of these issues/concerns could have been avoided. They hope that Conservation and PRC can collaborate earlier in the process. PRC staff agreed to work closely with Conservation in the future.
 - One Commissioner noted that she had some concerns with the wildlife habitat assessment, which made no mention of migratory waterfowl and the connection to South Meadow Brook.
 - PRC staff confirmed that there are a lot of “new” applications of infrastructure and technology in this project proposal (e.g., reinforced turf and micropiles) and admit that Newton has been “behind” on using these modern technologies and BMPs in its parks. They feel that this project has a level of innovation that will be a community benefit overall and support the spirit of inclusion. The Chair applauded the effort made by PRC on this project.
 - A Commissioner asked if this project would have a dedicated, increased maintenance fund, since it could easily be “loved to death”. PRC staff clarified that it has been under a general maintenance contract, but they have had an increase of their maintenance budget and plan to have their maintenance division assess the site once completed to determine how best to maintain it.
 - PRC Commissioner Nicole Banks stated that there has been a new understanding over the last year how valuable these open spaces and how treasured they are and that the increase in maintenance funding for PRC reflects a new dedication to their upkeep.
- Public Comment
- Sonya Kurzweil – Wanted to clarify that boating was only allowed at Cronin’s Cove and that there is a \$50 fine for doing so at Levingston Cove. She is very concerned about the beach being created and sees it as an invitation to recreate current erosion issues. She also has concerns about sunbathers taking up all available space for passive recreation. She suggested installing something similar to what is in place at Walden Pond, where there are large, stepping stone access points to the Pond. She also suggested improving the boat launch at Cronin’s Cove to reduce boating use at Levingston Cove. She noted that there now more beach space available at the Bathhouse since the removal of the benches and wooden retaining walls; thus, there isn’t as much of a need for a beach at this location. Her desire is to see a peaceful park, focused on conservation efforts.
 - James Jampel – Stated that he loves this plan and that he feels it really balances all the different points of view. He is excited to see a high level of accessibility to the water. He feels it will be an outstanding addition to Newton and looks forward to turning our attention to improvements of the Bathhouse site once this project is complete.
 - Janice Bourque – Appreciates the level of collaboration with the community seen between this meeting and the previous meeting. She feels that there have been a number of improvements and hopes that during the course of construction a great deal of effort is put into protecting the lake.
 - Alicia Bowman, City Counselor – Echoed Mr. Jampel’s comments. She supports the Commission’s efforts to improve the plant life and improve erosion issues. She greatly appreciates the focus on accessibility at the park.
 - Jini Fairley – Agreed with and echoed Ms. Bowman’s and Mr. Jampel’s comments. She noted the large grade change between the street and the water’s edge at this location and that it is wonderful to see that this design truly focuses on universal access. She noted that this project has gone above and beyond the standards required. She offered her expertise for any questions about fishing decks and pathways associated with the project.
 - Janice Bourque – Appreciated the attention to the Conservation Commission conditioning this project. She noted that Lake Avenue is a low salt area, though there are occasionally instances of salt being spread when trucks turn around. She asked if areas used for stockpiling are due to be restored to stable conditions. (PRC staff noted it would be restored.)
- 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: Lunin (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Green (aye), Cade (aye); Katz (aye); Vote: 7:0:0]
- The following plans must be presented to the Conservation Office for review and approval prior to any activity on site.
 - A concrete washout plan designed to limit and control any adverse on the wetlands resource areas or a signed statement that no concrete washout will occur on-site.

- A construction phasing/site management plan designed to limit and control any adverse on the wetlands resource areas. At a minimum, it must address the following:
 - Anticipated phases/milestones with dates,
 - Erosion and siltation controls for different phases of the project,
 - Parking and access for workers' vehicles and construction equipment,
 - Staging for construction materials and equipment,
 - Dust and spoil control during micropile drilling, and
 - Dewatering (with a locus and a detail).
- The Chapter 91 License.
- Contractor contact information.
- The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review:
- Prohibitions include:
 - Damage to any of the mature trees (branches, trunk, or roots) shown as to be protected.
 - Work within or disturbance of the BVW shown on the plans.
 - Excavation near trees with heavy equipment.
 - The Contractor will not be allowed to wash any concrete mixing or delivery equipment on site.
 - Tracking of soil onto City streets.
- Excavation around trees will be by hand and/or air spade. No heavy equipment shall be used to excavate or grade in the critical root zone of trees that are to be protected/maintained.
- Subgrade preparation of the reinforced turf and slope stabilization slopes must comport with plan notes and specifications.
- Invasive removal: The Contractor shall abide by the Newton Conservation Commission's Invasive Species Removal Guidelines. They shall hand pull large woody plants to remove as much root ball as possible. The remaining roots shall be dabbed with a nonionic surfactant such as Rodeo or approved equal. For the non-woody invasives, the Contractor shall use cut-and-dab techniques.
- The applicant shall monitor the site for invasive plants twice annually and shall remove all invasive plants found and properly dispose of them according to the Conservation Commission's Invasive Removal Policy for the life of this Order of Conditions.
- Temporary fencing may be installed as deemed necessary by the applicant to provide safety and to protect landscape features.
- Stone dust paths must be constructed with positive drainage to limit erosion. If material migrates, regrading or edging may be required by the Conservation Commission.
- Stockpiling may only occur within the grassy portion of the Crystal Lake Park. Stockpiles must be protected with staked compost sock. Laydown of non-erosive materials may occur within the limits of work, but shall not endanger any of the trees identified as to remain. Once the stockpiles have been removed, the stockpile area will be returned to grass.
- During the drilling for micropiles, barriers must be installed that will minimize air-borne and water-borne drilling spoils from entering the lake or shoreline.
- Landscape plantings within Commission jurisdiction must:
 - Stabilize all exposed areas
 - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - Have a survival rate of 100 % of total number of trees (after 2 growing seasons)
 - Have a survival rate of 90 % of total number of shrubs (after 2 growing seasons)
 - Have a survival rate of 90 % aerial coverage of all other plants including turf (after 2 growing seasons)
 - Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
- If any trees 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 (roughly 2 caliper inches).

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- To protect the water quality and the full suite of ecological benefits of the adjacent wetland resource area fertilizers shall be of low-nitrogen content and be used in moderation and pesticides shall not be used. Specific management regimes shall be reviewed and approved by the Senior Environmental Planner.
- The areas planted with slope stabilization seed mix shall not be mowed more than once annually, in late fall.

II. CONSERVATION AREA DECISIONS

6. (9:30) Land Management – Pending Special Projects

- Request: Does the Commission agree with the list of pending special projects?
- Presentation and Discussion
 - Staff presented the current “Special Projects” list of desired improvements on Conservation land and asked whether Commissioners had any comments.
 - One Commissioner asked if waiting until the wood chips fail at Norumbega before installing dense grade was appropriate since the wood chips last only a year or so. Staff stated that the amount of wood chips placed this past spring should last for at least a couple years, but they are open to considering conversion prior to the anticipated timeline.
- Public Comment:
 - Anil Adyanthaya, President, Newton Upper Falls Village Council (NUFVC) – feels the stairs connecting the Upper Falls Greenway and the Riverwalk Conservation parcel is a very important project that is a great opportunity to increase connectivity within Upper Falls. *Staff responded that the project is at the top of the priority list and was actually already contracted, but the contract was pulled due to concerns about the ability of the contractor to complete the work properly. When requests for new bids were sent out, one respondent decided he could not do the engineering required and one provided a very high bid. The project is now in the hands of the City Engineering Department in the hopes that they can complete the design.*
 - Jay Werb (NUFVC) – also supports the stairs connecting the Upper Falls Greenway and the Riverwalk Conservation parcel. He asked if the amount listed for the Riverwalk path resurfacing would be sufficient to ensure that stone dust doesn’t end up in the river. *Staff stated that they would look into including edging in the pricing listed.*
 - Jerry Reilly (Friends of the Upper Falls Greenway) – stated his support for the stairs connecting the Upper Falls Greenway and the Riverwalk Conservation parcel. He reminded the Commission that this project was originally outlined in the state’s 1975 master plan for the Charles River Pathway, and here we are 45 years later, still without it.
 - Marie Jackson (NUFVC) also spoke in favor of the project.
- Consensus: The list of special projects seems appropriate and should be implemented.

III. ADMINISTRATIVE DECISIONS

7. (9:45) Minutes of 8/26/21 to be approved

- Documents Presented: Draft 8/26/21 minutes
- Vote: To approve the 8/26/21 minutes as edited by Ellen Katz. [Motion: Kathy Cade; Second: Susan Lunin; Roll-call vote: Lunin (aye), Gilligan (abstain), Zabel (aye), Hepburn (abstain), Green (aye), Cade (aye); Katz (abstain); Vote: 4:0:3]

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

UPDATES

V. WETLANDS UPDATES

- 14 Walnut Hill Road - Planting plan presented to and approved by staff.
- Drainage issues in intermittent stream behind 622 and 628 Boylston being addressed by DPW through stream cleaning.

VI. CONSERVATION AREA UPDATES

- BU Professor Templer’s research in Webster Conservation Area – In response to Professor Templer’s inquiry, the Commission would like to receive a written report and then they will decide if they would like an in-person presentation by the research team.

VII. ISSUES AROUND TOWN UPDATES

VIII. ADMINISTRATIVE UPDATES

- OSRP approved by ZAP for inclusion into the City’s Comprehensive Plan.
- OSRP Trails subcommittee to be formed.
- 2022 ConCom meeting calendar.

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

ADJOURN at 10:32pm. [Motion: Leigh Gilligan; Second: Jeff Zabel; Vote: 7:0:0]