

# DETAILED CONSERVATION COMMISSION MINUTES

Date: Thursday, January 6, 2022

Time: 7:00pm

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

**With a quorum present**, the meeting opened at 7:07 pm with Dan Green presiding as Chair.

**Members Present:** Dan Green, Susan Lunin, Judy Hepburn, Leigh Gilligan, Kathy Cade, and Associate Member Sonya McKnight (left early due to problems of internet connectivity)

**Members Absent:** Jeff Zabel, Ellen Katz

**Staff present:** Jennifer Steel, Ellen Menounos

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

## DECISIONS

### I. WETLANDS DECISIONS

#### 1. 100 Boulder Road – NOI (cont'd) – addition to a single-family home – DEP file #239-908

- Owner/Applicant: Amir Nashat
- Representative: Rich Kirby, LEC Inc. (wetland scientist), Brian Timm, RJ O'Connell Assoc (engineers); Maryann Thompson (architect)
- Request: Issue an OOC approving the proposed work
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Flood Zone (114' NAVD88), Riverfront Area, Buffer Zone to Bank
- Project Summary:
  - Construct addition to single-family dwelling on helical piles over existing deck and lawn.
  - Construct an uncovered deck and stairs over existing lawn.
  - Replace the existing paved driveway with a slightly smaller driveway with a trench drain and infiltration stone and piping beneath.
  - Plant native trees and shrubs along stream bank and at rear of the property.
- Presentation and Discussion
  - Rich Kirby identified recent changes to plans that addressed staff questions/concerns:
    - A modified addition and deck, modified planting plan, and added infiltration system.
    - Changed the identification of the wetland at the rear of the parcel from Isolated Vegetated Wetland to BVW with associated 100-foot Buffer Zone.
    - The existing mature shrubs in the back yard have been shown on the planting plans and are due to be protected and preserved within the enhancement planting area.
    - The proposed planting area nearest the house has been "widened" to be more ecologically valuable and is now identified as an "enhancement planting area" rather than "restoration planting area".
    - The "enhancement" planting area at the rear of the property near the BVW now shows existing mature shrubs/saplings and notes that all natives will be preserved.
    - The proposed planting plan now includes 2 canopy trees (1 willow, 1 maple).
    - The owner indicated that several evergreens present in the rear planted area will be preserved. He noted his interest in and willingness to plant more evergreens such as larch, pine, and cypress.
    - Permanent bounds have been included in the plans.
  - The Commission discussed the old, outstanding OOC (239-600) that was not closed with a COC because plants installed were not native, as required in the OOC. The Commission agreed that the new plantings under 239-908 would satisfy the requirements of 239-600 and that 239-600 could be closed out.
- Vote: To close the hearing and issue an OOC with the special conditions listed below. [Motion: Gilligan; Second: Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]



**Mayor**  
Ruthanne Fuller

**Director  
Planning &  
Development**  
Barney Heath

**Chief  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
Environmental  
Planner**  
Ellen Menounos

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

**Associate  
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Sonya McKnight

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- No grading, filling, laydown, or construction may take place beyond the erosion control line/limit of work. The only activities allowed beyond the erosion control line/limit of work are invasive removal and native planting, as reflected on the approved plans.
- Concrete washout may not occur on-site or in the adjacent street.
- Proposed enhancement plantings must:
  - Include 1 Atlantic White Cedar or similar native substitute, if availability requires
  - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation Office in advance)
  - Stabilize all exposed areas
  - Have a survival rate of 100 % of total number of trees (after 2 growing seasons)
  - Have a survival rate of 80 % of total number of shrubs (after 2 growing seasons)
  - Have a survival rate of 75 % aerial coverage of all other plants (after 2 growing seasons)
  - Organic leaf-litter mulch shall be applied to minimize erosion and aggressive weed growth, but shall not impede spread of groundcover. Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread
- Bounds must be installed as per the approved plans and must be 4"x4" granite or concrete buried at least 3-feet with a reveal of at least 6 inches. There must be an emblem with words to the effect of "Protected Area. Do Not Disturb" attached to each bound.
- 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 (of roughly 2 caliper inches).
- Compensatory flood storage must be provided in its entirety, by removing ~795 cubic feet of soil from the site as per the approved plans. This removal shall be documented on the as-built plans.
- The stormwater infiltration system must be installed as per the approved plans and documented on as-built plans.
- Erosion controls shall consist of entrenched silt fence or orange construction fence and staked compost sock where shown on the approved plans.
- Stormwater must be addressed as shown on the approved plans. If the Engineering Department requires changes, the revised plans must be submitted to the Conservation Office for review and approval.
- To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
- To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no herbicides and pesticides shall be used.
- To protect wetland wildlife, exterior lighting shall:
  - be "dark sky" compliant -- i.e., shielded to prevent any "up lighting" and "backlighting", focused, and directed so as to not illuminate any part of the wetland.
  - have limited blue content to decrease skyglow and disruption of diurnal animals
  - be switched off when not in active use
  - not exceed the illumination shown on the approved photometric plan sheet
- 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 addition or the deck other than pre-approved minimal "skirting" allowed under the Conservation Commission's guidelines for Construction in Flood Zone (approved 10/8/20).

**2. 45 Buswell Park – NOI (cont'd) – patio expansion and rain garden – DEP file #239-909**

- Owner: Brittany and Dustin Bennett
- Representative: Rob Gemma, MetroWest Engineering, Inc.; Mike Nowicki, The MacDowell Company (landscaping)
- Request: Issue OOC for the proposed hardscape expansion and rain garden installation.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Land Under Water (not to be touched); City Flood Zone; Buffer Zone to Bank of an Intermittent Stream

- Project Summary: (1) expand an existing patio -- adding 578 sf of impervious area to the Buffer Zone, (2) install a 553 sf (18 cy) rain garden to handle runoff from the rear roof, new synthetic turf, and patio, and (3) install a bridge over the stream channel, (4) install native plants, and (5) remove invasive plants on the far side of the stream.
- Presentation and Discussion:
  - Rob Gemma identified recent changes to the plans that addressed staff questions and concerns.
    - Five granite bounds will be set along the 25-foot NVBZ line, at 6" above grade, Rob Gemma to set them.
    - A wooden arch bridge will span the stream. Rob Gemma will provide Steel a shop drawing for approval.
    - The following woody plants have been added to the plan: (5) tupelo trees in the 25' Naturally Vegetated Buffer Zone at rear of property, (14) sweet gale shrubs in the rain garden, and (8) red-twig dogwood shrubs alongside the brook.
    - Near the stream, all Norway maple saplings will be cut (not pulled) and all buckthorn will be cut and painted (not pulled) to avoid destabilizing the walls of the stream channel.
    - Herbicides use for the control of the Japanese knotweed was detailed in writing.
    - Where the 8' solid panel privacy fence intrudes into City Flood Zone, it will be elevated 6" from the ground and have lattice of at least 50% openness in the lower 1-2 feet, to allow flood waters to flow freely.
    - Outdoor lighting will be minimal and can be conditioned to protect the stream corridor.
- Vote: To close the hearing and issue OOC with the special conditions listed below. [Motion: Lunin; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]
  - To minimize the risk of trapping debris in the stream channel, the overflow pipe from the rain garden may not intrude beyond the inner surface of the wall of Hyde Brook.
  - Landscape and rain garden plantings within Commission jurisdiction must:
    - Be installed more-or-less concurrently with the construction of the patio
    - 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 80 % of total number of trees (after 2 growing seasons)
    - Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons)
    - Have a survival rate of 75 % aerial coverage of all other plants (after 2 growing seasons)
  - Bounds must be:
    - installed more-or-less concurrently with the construction of the rain garden
    - at least 3' long and buried with a reveal of at least 6"
  - If any trees within the wetland or buffer within the project area that were due to be protected die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
  - Compensatory flood storage must be provided in its entirety as per the plan and must be reflected on the as-built plans.
  - Final grading (after all loam and/or sod has been installed) must comply with the approved plans to provide all flood storage capacity illustrated.
  - Invasive control must be undertaken as per the approved plans.
  - To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
  - To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no herbicides and pesticides shall be used.
  - To protect wetland wildlife, exterior lighting shall:
    - be "dark sky" compliant -- i.e., shielded to prevent any "up lighting" and "backlighting", focused, and directed so as to not illuminate any part of the wetland.
    - have limited blue content to decrease skyglow and disruption of diurnal animals
    - be switched off when not in active use

### **3. 135 Selwyn Rd – NOI – single story addition and two decks -- DEP #239-912**

- Owner/Applicant: Barbara Chandra
- Representative: Tom Schutz, Goddard Consulting; Barbara and Laura Chandra
- Request: Issue OOC for proposed work.
- Documents Presented: mitigation planting plan, civil plan, site photos, draft OOC
- Jurisdiction: Riverfront area, BLSF (120.2 CNVD or 113.8 NAVD88), City Floodplain

- Project Summary:
  - Construct a single-story addition in place of an existing deck and construct an associated landing and deck. This will add 360 sf of impervious area and fill 5 cubic feet of flood storage.
  - Remove and replace a solid stone exterior stair with an open wood stair to provide compensatory flood storage.
  - 41 cubic feet of compensatory storage will be provided.
  - Install 750 sf mitigation planting bed along the southern property boundary / stream side.
- Presentation and Discussion:
  - Tom Schutz addressed staff questions and concerns.
  - Staff noted that the wood stairs may not be fully enclosed, as per the Commission’s Flood Storage policy.
  - Staff noted that spaces between deck boards and stone under the deck are required to ensure infiltration.
  - Staff noted that permanent bounds should be installed (either rebar with mushroom caps or granite or concrete posts) to ensure the long-term protection of the mitigation planting area.
  - Staff noted that removal of historic dumped mulch and yard waste should be incorporated in the plans.
  - Tom Schutz suggested flowering dogwood trees as an acceptable substitute for black birch trees.
  - Staff noted that no new loam has been identified on the plans and cannot be brought on to the site because of flood storage concerns. Scarification prior to seeding is recommended.
  - Staff suggested considering a seed mix in the planting area.
  - Mature trees were recently removed from along the stream, in what is now “playground” area. This area is actually outside the subject property line. Steel suggested that the Commission could consider allowing the applicant plant 1-2 of the trees shown as to be planted in the mitigation plan on the subject property in the “playground” area to mitigate the unpermitted tree removal.
  - The fact that the owners are using City land as if it were private land is not within the Commission’s purview, but Judy Hepburn asked that staff inform DPW of the historic encroachment.
  - The planting plan presented appears to assume that there is no mature vegetation in the mitigation area, but in reality there are shrubs, some of which are native.
  - Steel suggested that the applicant work with the consultant to develop and submit a revised planting plan that shows existing vegetation and an appropriately diverse, wide, and bounded mitigation planting area.
- Vote: To accept the applicant’s request to continue the hearing to Jan 27, 2022. [Motion: Lunin; Second: Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]

**4. 56 Roosevelt Rd – NOI – rebuilding and expansion of sunroom -- DEP #239-???**

- Owner/Applicant: Jordan Schwartz
- Representative: Jordan Schwartz
- Request: Issue OOC for proposed work.
- Documents Presented: Civil plan
- Jurisdiction: BLSF (122’ CNVD), City Floodplain
- Project Summary: Remove 7’x12’ sunroom on pilings. Replace it with a 7’x 15.2’ sunroom on piers with lattice screening
- Presentation and Discussion
  - Staff feel that the added footprint is small and that the project is appropriately constructed on pilings to minimize fill in Flood Zone.
  - Staff feel that the creation of compensatory storage as shown on the plans might be too disruptive and suggested that the Commission instead allow the applicant to remove excess material from under the expanded sunroom footprint.
  - Staff noted that any new lattice must comply with the Commission’s Flood Storage policy of 50% open space.
- Vote: Lacking a DEP file number, the Commission voted to accept the applicant’s request to continue the hearing to Jan 27, 2022. [Motion: Gilligan; Second: Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]

**5. 152 Suffolk Rd – NOI -- DEP #239-911**

- Owner/Applicant: Yelena Dudochkin
- Representative: Tim McGuire, Goddard Consulting
- Request: Continue to the 1/27 hearing to incorporate Staff comments
- Documents Presented: Plans, arborist report, site photos.
- Jurisdiction: Riverfront Area, BVW, Buffer Zone

- Proposed Project Summary:
  - Within RFA: construct a 20'x40' swimming pool, patio with fire pit, retaining wall, 6' metal and cedar post fence, 18'x25' greenhouse, and planting. Total new impacts to the outer riparian zone will total ±2,976sf.
  - Within BZ to BVW: construct a sports court, greenhouse, in-ground trampoline, retaining wall, and fence.
  - Overall: remove 28 mature trees, some of which are ailing or dead.
  - Overall: grading and the construction of retaining walls.
  - Overall: mitigation and enhancement plantings.
- Vote: To accept the applicant's request to continue the hearing to Jan 27, 2022, w/ materials due 1/13/2022. [Motion: Cade; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]

#### **6. 55 Bernard St – unpermitted tree cutting in RFA – DEP #239-871**

- Owner: Ivan Brown      Representatives (not present): Natalie Ducharme-Barth, Merrifield Garden & Design
- Request: Remedy violation by accepting a planting plan
- Documents Presented: hand-drawn planting plan
- Jurisdiction: RFA
- Presentation and Discussion: The owner and representative were not present at the meeting. But the commission discussed and approved the proposed planting plan with the following required modifications:
  - The 3 “white” birches shall be substituted with 3 native trees: 1-2 native birches (river and/or grey) and 1-2 swamp white oaks.
  - The 6 “American lilac” shall be substituted with 6 native shrubs (6 swamp azaleas).
  - The remainder of the plants are native and the planting plan was deemed appropriate. Planting should occur in the spring and the “2-growing season clock” will start.
- Consensus: Steel will draft an official memo summarizing the Commission's decision.

#### **7. 30 Selwyn Rd – Minor Plan Change Request – replace chainlink fence with wooden fence – DEP #239-851**

- Owner/Applicant: Dan Bermenko      Representative: Dan Bermenko
- Request: Approve as a minor plan change replacement of existing chain link fence along stream with a wood privacy fence.
- Documents Presented: Applicant's fence design options for water-permeable-bottom of fence
- Jurisdiction: Flood Zone, RFA
- Presentation and Discussion:
  - The project site has a “credit” of 22 cubic feet of flood storage; roughly 2 feet of the proposed fence will be within the flood elevation; the fence will be parallel to the stream, ~83 feet long, elevated 6” to allow the passage of wildlife and wood.
  - All fence bottom styles presented were acceptable to the Commission: louvers, slats, and lattice.
- Consensus: Steel will draft an official memo summarizing the Commission's decision.

#### **8. 10 Gambier Street – COC Request – disconnect cesspool, connect to sewer – DEP #239-608**

- Owner: Owen Hughes      Applicant: Owen Hughes      Representative: Verne Porter
- Request: Issue a complete COC.
- Documents Presented: site photos
- Jurisdiction: Buffer Zone
- Presentation and Discussion: The owner/representative was not present at the hearing. All required COC materials have been received. A staff site visit on 8/4/21 found general compliance with the OOC and memorandum regarding cutting back Japanese knotweed. New raised bounds are in place.
- Vote: To close the hearing and issue a complete COC. [Motion: Lunin; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]

#### **9. Preliminary Informal Discussion - Various Parks, Recreation & Culture Athletic Field/Facility Improvement Projects**

- Representative: Luis Perez Demorizi, Nicole Banks, Greg Mellett
- Request: Provide the Conservation Commission with a preview of the pending field improvement projects that are likely to require Conservation Commission permitting.
- Presentation and Discussion:

- Luis Perez Demorizi provided a PowerPoint presentation illustrating the pending field improvement projects that will have some Conservation Commission jurisdiction: Gath Pool, Crystal Lake accessibility and Left Beach improvements, Warren House fields, and NSHS/Brown/Oak Hill fields. He will send the presentation to the Commission.
- Commissioners noted their interest in: lighting; artificial turf infill materials; the control of artificial turf infill materials during removal, installation, and use; all Crystal Lake planning efforts;
- Consensus: The Commission would like to have preliminary meetings with PRC about Crystal Lake planning efforts.

**II. CONSERVATION AREA DECISIONS**

- 10. Old Deer Park - Ira Wallach Memorial Trail** – Green is getting estimates on the cost of plaque on a post. Steel has checked into trail marking posts. Installation will likely have to wait until spring.

**III. ADMINISTRATIVE DECISIONS**

**11. Minutes of 12/9/21 to be approved**

- Documents Presented: Draft 12/9/21 minutes as edited by Susan Lunin
- Vote: to approve the 12/9/21 minutes. [Motion: Cade; Second: Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]
- Note: Gilligan will edit the 1-6-22 minutes.

**IV. ISSUES AROUND TOWN DECISIONS** – none at this time

**UPDATES** – none at this time

**ADJOURN** Vote: to adjourn at 10:00. [Motion: Cade; Second: Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Vote: 5:0:0]