

CONSERVATION COMMISSION MINUTES

Date: Thursday, January 27, 2022

Time: 7:00pm

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

With a quorum present, the meeting opened at 7:04 pm with Dan Green presiding as Chair.

Members Present: Dan Green, Susan Lunin, Judy Hepburn, Leigh Gilligan, Kathy Cade, Jeff Zabel, Ellen Katz, and Associate Member Sonya McKnight

Staff present: Jennifer Steel, Ellen Menounos

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

DECISIONS

I. WETLANDS DECISIONS

1. 152 Suffolk Rd – NOI – backyard pool, sports court, patio, and greenhouse – DEP #239-911

- **Owner/Applicant:** Yelena Dudochkin
- **Representative:** Tim McGuire, Goddard Consulting
- **Request:** Continue to the 3/10/22 hearing to incorporate Staff comments
- **Documents Presented:** None
- **Jurisdiction:** Riverfront Area, BVW, Buffer Zone
- **Vote:** to accept the applicant's request to continue the hearing to 3/10/22, with revised materials due 2/22/2022. [Motion: Zabel; Second: Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (aye); Katz (aye); Vote: 7:0:0]

2. 56 Roosevelt Rd – NOI Continued – rebuilding and expansion of sunroom -- DEP #239-913

- **Owner/Applicant:** Jordan Schwartz
- **Representative:** none present
- **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:** A DEP file number has been issued, so the permit can now be issued, as that was only outstanding issue noted at the end of the previous hearing. The Commission reviewed and edited the draft Order of Conditions.
- **Vote:** to close the hearing and issue an OOC with the special conditions listed below. [Motion: Zabel; Second: Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (abstain); Katz (abstain); Vote: 5:0:2]
 - Compensatory flood storage must be provided by removing 8-10 cubic feet of soil from under and around the new sunroom.
 - To maintain the flood storage capacity of the site, to uphold DEP requirements for "unrestricted hydraulic connection", and to maintain compliance with the Conservation Commission's guidelines for Construction in Flood Zone (approved 10/8/20), there shall be no enclosure of the pilings under the structure other than the minimal skirting identified in the approved plans.

3. 326 Fuller St – Minor Plan Change Request – 10' x 85' expansion of old viewing deck – DEP file #239-813

- **Owner/Applicant:** Sean McLaughlin/Braeburn Country Club
- **Representative:** Sarah Stearns, Beals and Thomas
- **Request:** Approve the proposed plan changes as Minor Plan Changes.
- **Documents Presented:** modified plans, site photos
- **Jurisdiction:** Buffer Zone to Bank to an Intermittent Stream
- **Project (Modification) Summary:**
 - Expand the approved viewing deck by 10' in width (from 6' to 16'), resulting in: 850 sf of additional "developed" area; and



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 Member
Sonya McKnight

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- Shift one of the new paddle courts 10' to the east and 5' to the south
- To balance the proposed deck expansion, the applicants have proposed: increasing the size of the mitigation planting area a bit, moving proposed plants to accommodate the new layout, adding:
 - 6 native shrubs (4 additional Red Chokeberry, 2 additional Witch Hazel),
 - ground cover (92 wild ginger and 104 bunchberry), and
 - a 4' no-mow strip along the banks of the streams that surround the paddle court area.
- Presentation and Discussion: The proposed mitigation enhancements seem to offer appropriately robust enhancement of the buffer zone and increased protection of the adjacent intermittent streams. Sarah Stearns will send a stamped plan for referencing in the memo and for the Commission's files.
- Vote: to approve the proposed changes as Minor Plan Changes, to be documented in a memo and reflected in the required as-built plans. [Motion: Zabel; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (aye); Katz (aye); Vote: 7:0:0]

4. 135 Selwyn Rd – NOI Continued – single story addition and two decks -- DEP #239-912

- Owner/Applicant: Barbara Chandra
- Representative: Andrew Thibault, Goddard Consulting; Barbara and Laura Chandra
- Request: Issue OOC for proposed work.
- Documents Presented: revised 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 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 the bulk of 41 cf of compensatory flood storage.
 - Install mitigation plantings along the southern property boundary / stream side.

Common Name	Scientific Name	Quantity	Size
Flowering Dogwood	<i>Cornus florida</i>	4	3 gal. pot
Witch Hazel	<i>Hamamelis virginiana</i>	3	3 gal. pot
Sweet Pepperbush	<i>Clethra alnifolia</i>	4	3 gal. pot
Red Maple	<i>Acer rubrum</i>	4	3 gal. pot

- Presentation and Discussion:
 - Modified planting plans address most staff questions and concerns.
 - Locations of mitigation trees and shrubs have been modified and appear to be more-or-less appropriate.
 - 2 saplings are now proposed in the “adjacent lot” as requested. The City’s Forester has noted that the “adjacent lot” does not appear on lists of City-owned land.
 - It was recommended that the applicant protect the new witch hazel shrubs (and other plants) from rabbit browsing with chicken wire or similar.
 - Eastern redbud was noted as an acceptable substitute for witch hazel, as possibly more rabbit-resistant.
- Vote: to close the hearing and issue an OOC with the special conditions listed below. [Motion: Zabel; Second: Cade; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (abstain); Katz (abstain); Vote: 5:0:2]
 - The new wood stairs may not be fully enclosed, per the Commission’s Flood Storage policy. Deck slats shall be separated by 1/8 - 1/4 inch to ensure that the decks are and remain pervious.
 - Compensatory flood storage must be provided in its entirety as per the plans, by removing a net of 36 cubic feet of material, most of which will come from removal of stone stairs.
 - Old mulch just beyond the fence must be removed to allow natural revegetation of the stream bank.
 - No new loam or sod may be brought on to the site, to avoid potential adverse impact on flood storage capacity. Scarification prior to (re)seeding is recommended.
 - Mitigation area will have any invasives removed and then be seeded with New England Wetland Plants Conservation Mix to stabilize the soils. Applicant should clarify what non-natives have been identified for removal, since there are Norway maples and some non-native shrubs in the area.
 - (3) permanent bounds must be set along the front edge of the mitigation area, either rebar with mushroom caps or granite or concrete posts. at least 2.5 feet deep, at least 6” above the finished surface grade, and must note words to the effect of “Conservation Area, Do Not Disturb”.
 - The firepit near the patio must be removed to ensure that the restoration area remains natural.

5. 100 Boulder Rd – COC – replace non-native plants with native plants -- DEP #239-600

- Owner/Applicant: Amir Nashat
- Representative: Amir Nashat (not present)
- Request: Issue COC for addition, remedial grading, and mitigation plantings.
- Documents Presented: None
- Jurisdiction: Riverfront area, BLSF, City Floodplain
- Presentation and Discussion:
 - All paperwork was submitted confirming construction and grading complied with Commission requirements.
 - The required native plants along the fence did not survive, but the owner planted many other natives in other parts of the parcel. More native plantings will be installed as part of the new filing (DEP file #239-908) for a rear addition and deck.
- Vote: to issue a complete COC. [Motion: Cade; Second: Hepburn; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (aye); Katz (aye); Vote: 7:0:0]

6. 791 Walnut Street – COC -- Tree cutting, tree planting, streamside restoration planting -- DEP #239-874

- Owner/Applicant: Newton Cemetery
- Representative: Mary Ann Buras
- Request: Issue COC
- Documents Presented: none
- Jurisdiction: Buffer Zone
- Presentation and Discussion:
 - All paperwork was submitted confirming cutting and planting complied with Commission requirements.
 - Staff noted that mitigation planting was robust and documentation of cutting and planting was very detailed.
- Vote: to issue a complete COC. [Motion: Katz; Second: Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (aye); Katz (aye); Vote: 7:0:0]

7. Hammond Pond Parkway – NOI – roadway and corridor improvement -- DEP #239-???

- Owner/Applicant: Mass DCR/BSC Group
- Representative: Diana Walden, Peter Reed, and Kathryn Eagan, BSC Group; Dan Driscoll, DCR
- Request: Issue OOC for proposed work
- Documents Presented: Colored construction & landscape plans, revised construction & landscape plans, site photos
- Jurisdiction: RFA, Buffer Zone to BVW, Certified Vernal Pools, City Floodplain
- Proposed Project Summary
 - This roadway and corridor improvement project will reconfigure a one-mile-long stretch of Hammond Pond Parkway, between Beacon St and Rte 9, converting it from 4 lanes to 2 lanes and adding: a 12' wide shared use (bike/ped) path constructed on the western side, a 15' wide landscape buffer with native plants, a 5' wide sidewalk on the eastern side, and stormwater improvements. The shared use path will be graded so that the majority of stormwater run-off is directed to the buffer for attenuation and infiltration.
- Presentation and Discussion:
 - Staff sought and received revised plans with improved legibility, and received further revised plans one day ago.
 - DCR noted that this “road diet” project would be much like that on Nonatum Road when the road was narrowed and the Paul White Shared Use Pathway was installed. DCR also noted that there are plans to do the same on Quinobequin Road, another DCR parkway in Newton.
 - The majority of the proposed alterations within jurisdictional wetland areas are within degraded and disturbed areas (i.e., within the existing roadway and grass/dirt shoulder – “inboard of the existing guardrail”). Overall “paved” area will be reduced.
 - Minimal trimming will occur as needed to free the shared use path and sidewalk from encroaching branches.
 - Islands of native trees and shrubs and seed mix will be installed in 15' buffer strip between the road and the shared-use path. Seed mix will be installed “beyond” the shared-use path to create open shoulders.
 - The existing guardrail between the shared use path and the woods will be maintained and repaired throughout the project site, but not extended.
 - The proposed guardrail between the shared use path and the road will be minimized the extent possible.
 - The only significant alterations to non-degraded or non-disturbed areas of Conservation jurisdiction are:
 - 2 new stormwater outfalls near Hammond Brook crossing (clear, trench, new outfall)
 - 1 new stormwater outfall near western wetland (clear, trench, new outfall)

- 1 new stormwater outfall near eastern intermittent stream and wetland (clear, trench, new outfall)
 - Stormwater currently collects in catch basins and discharges to wetlands. Stormwater will be routed through 6 new Stormceptor units improving stormwater quality.
 - DCR indicated that the blocked culvert near WQU-3 would be cleared by DCR stormwater crews.
 - Discussion ensued about the size and stability of the splash pads. BSC indicated that the ones on the plan were sized for the 10-year storm. BSC agreed to explore expanding them to accommodate larger storms and pulling them back from the steepest slopes.
- Slight expansion of parking area on eastern side (grading, paving, catch basin)
 - BSC clarified that the parking lot expansion would be stabilized with soil and slopes of 2:1 that would be seeded (with jute matting to ensure stability during establishment of the seed).
- Minor tree cutting to accommodate expansion of the right-turn lane onto Beacon Street
- Invasives control will not be part of this project; it will be considered after the completion of construction.
- Dan Green asked whether emergency access to the Old Deer Park would necessitate any modification of the design of the curb. Dan Driscoll thought not, and noted that many of DCR's open space parcels were only accessible by foot or ATV.
- Possible project phasing was discussed: (1) open 2 western lanes, undertake construction on the east, (2) open 2 center lanes, undertake construction on the west, (3) open 2 eastern lanes. Much of the details of phasing, stockpiling, erosion controls, etc. will be up to the selected contractor's methods and means. Conditioning will have to reflect that.
- Lighting is due to be "historic" acorn top lights designed to be close to the road to light the road and spill onto the shared use path. Staff noted their concern for dark sky conditions and spectrum considerations. Commissioners were particularly concerned about lighting near the vernal pools.
- Minimal (4-5' wide) snow removal is likely to take place on the shared use path. Magnesium chloride will be used if icing occurs.
- The "PS&E" (Plans, Specifications, and Estimates) bid set is due in late spring 2022. Bid requests will go out summer/fall of 2022. Construction will commence summer 2023 and last 1.5-2 years.
- Next Steps -- The applicant team will:
 - Clarify the extent of alterations in RFA and BZ based on the revised limits of work.
 - Identify, if/as possible, stockpiling areas and appropriate erosion controls for them.
 - Note to contractors that a construction management/phasing plan may be required.
 - Modify erosion controls on the plan, since compost sock will not provide sufficient erosion controls around the new stormwater discharge points (excavation in steep slopes) and the parking lot construction area (where significant fill is being brought in on an existing steep slope).
 - Modify the details of the stormwater discharge points to accommodate larger storms (25-year storm) and mesh better with the steep slopes.
 - Enhance the details of how the stormwater outfall cuts will be stabilized/vegetated.
 - Enhance the details of how of the parking lot corner will be constructed and stabilized.
 - Address lighting to ensure dark sky conditions and maximal protection of the vernal pools and other natural areas.
 - Address invasive species at the existing fence line and/or limit of work.
- Vote: to accept the applicant's request to continue the hearing to 3/10/22, with revised materials due Monday, 2/28/22. [Motion: Gilligan; Second: Zabel; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (aye); Katz (aye); Vote: 7:0:0]

II. CONSERVATION AREA DECISIONS – none at this time

III. ADMINISTRATIVE DECISIONS

8. Minutes of 1/6/22 to be approved

- Documents Presented: Draft 1/6/22 minutes as edited by Leigh Gilligan.
- Vote: to approve the 1/6/22 minutes. [Motion: Cade; Second: Katz; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (abstain); Katz (abstain); Vote: 5:0:2]
- Note: Kathy Cade has volunteered to review/edit the draft 1/27/22 minutes.

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES – none at this time

VI. CONSERVATION AREA UPDATES

- Old Deer Park - Ira Wallach Memorial Trail
 - 11 posts are needed. Start with PT 2"x2"x4' with plastic trail markers. Install in the spring. See how they look and how they hold up over time.
 - Bollards or a gate will be needed to keep vehicles from entering the opened southern gate.
 - Dan Green will arrange a site visit with staff to determine an appropriate location for a trail access to Hammond Pond Parkway.
 - Ira's family will be given a copy of the commemorative plaque.
- Parks, Rec & Culture Orienteering in Flowed Meadows – PRC will partner with New England Orienteering Club to offer an orienteering event on Saturday March 26, 2022 and will leave the QR codes up for a week for people to do the course on their own. 5 control points will be in Flowed Meadows; 4 of the 5 controls will be in the same locations as last year; 1 new control point will be near the trail, as well. Last year's event had 93 starts; some of the starts were groups of 2-3 people, so roughly 125-150 people engaged throughout the week.
- The Commission's annual land management contract will need to be re-bid for FY2023. Steel and Menounos are working to craft bid language and identify potential contractors to ensure solid responses.

VII. ISSUES AROUND TOWN UPDATES

- Parks, Recreation, and Culture will be submitting a Mass Trails grant application for the construction of a boardwalk along the "Marty Sender Trail" (behind Lyons Field). The project is being designed in coordination with the Sewer Force Main Replacement project and will have to get an OOC for construction.

VIII. ADMINISTRATIVE UPDATES

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING – none at this time

ADJOURN Vote: to adjourn at 9:35 [Motion: Katz; Second: Lunin; Roll-call vote: Green (aye), Lunin (aye), Hepburn (aye), Gilligan(aye), Cade (aye); Zabel (aye); Katz (aye); Vote: 7:0:0]