

DETAILED CONSERVATION COMMISSION AGENDA

Date: Thursday, March 31, 2022

Time: 7:00pm

Place: This meeting will be held as a virtual meeting via Zoom.

The Conservation Commission will hold this meeting as a virtual meeting; no in-person meeting will take place at City Hall.

Zoom access information for the meeting will be posted 48 hours in advance of the meeting at: <https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission>

Please contact jsteel@newtonma.gov or 617-796-1134 with any questions.

NOTE: In addition to the documents presented in the Commission's packet (available on the Commission's website), full application plans and narratives are available on [the Commission's website](#).

NOTE: Times listed are estimates. Items may be taken out of order at the Chair's discretion. Discussion may be limited by the Chair.

A. CONSERVATION AREA DECISIONS

1. (7:00) – Presentation of Dolan Pond Cons. Area Eagle Scout Project – Pollinator Gardens

- **Owner:** Conservation Commission
- **Applicant:** Ryan Lin, Eagle Scout candidate
- **Request:** Approve plan for planting native species on Conservation land.
- **Documents in packets:** none
- **Additional documents presented at meeting:** PowerPoint presentation
- **Jurisdiction:** Flood Zone, Buffer Zone
- **Performance Standards assessment:** Planting natives will not constitute fill, planting natives is exempt in Buffer Zone
- **Proposed Project Summary:**
 - Plant and fence several (3) plots with native shrubs and perennials selected to support native pollinators and re-establish vegetation in barren areas.
 - Ryan is growing some plants from seeds and will augment with shrubs
 - Ryan will mulch and fence the plots
 - Ryan has considered using NewtonServes to help with planting area preparation
- **Staff Notes:** Ellen Menounos met with Ryan Lin on 3/22 to go over proposed project. Staff feel that NewtonServes labor would be premature and potentially challenging to direct.
- **Staff Recommendations:** Comment upon an approve proposed plan.

B. WETLANDS DECISIONS

2. (7:25) 20 Rogers St – NOI -- Crystal Lake Left Beach Area Guard Chairs – DEP #239-xxx

- **Owner/Applicant:** Newton Parks & Recreation
- **Representative:** Luis Perez Demorizi, Nicole Banks, PRC
- **Request:** Issue OOC.
- **Documents in packets:** locus map, plan sheet, photos
- **Additional documents presented at meeting:** none
- **Jurisdiction:** Bank, Land Under Water
- **Performance Standards:**

Bank: 310 CMR 10.54(a): Work on a Bank shall not impair the following:

 1. The physical stability of the Bank;
 2. The water carrying capacity of the existing channel within the Bank;
 3. Ground water and surface water quality;
 4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
 5. The capacity of the Bank to provide important wildlife habitat functions.

LUW: 10.56(a): Work shall not impair the following:



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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1. The water carrying capacity within the defined channel...;
 2. Ground and surface water quality;
 3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries;
 4. The capacity of said land to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions.
- Proposed Project Summary: Dig ~6" to create a level area in the sand for two lifeguard chairs at Crystal Lake left beach area.
 - Staff Notes: This area is a man-made sand beach that is heavily impacted by summer use. The proposed sand removal is minimal and will not impact the functions of the resource areas. This project is being undertaken for public safety.
 - Staff Recommendations: Issue a 5-year OOC with the following site-specific special conditions: none

3. (7:45) 17 Brandeis Rd – NOI – description -- DEP #239-xxx

- Owner/Applicant: Sameh Kanan
- Representative: John P Rockwood, Eco-Tec
- Request: Issue OOC.
- Documents in packets: Aerial photo, colored site plans, planting plan
- Additional documents presented at meeting: Site photos
- Jurisdiction: BLSF, City Floodplain, BZ to BVW
- Performance Standards:

Bordering Land Subject to Flooding: 10.57

1. Compensatory storage shall be provided for all flood storage volume that will be lost...
2. Work shall not restrict flows so as to cause an increase in flood stage or velocity.
3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.

City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.

(b)(1): Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.

Buffer Zone 10.53(1): General Provisions "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]..."

- Proposed Project Summary: Single family home will be torn down. Fences will be removed. Two mature trees will be removed. New single-family home will be constructed, half of it on piers to allow flood waters to flow underneath. Associated site features, including driveway, decks, patio and hot tub will be constructed.
- Staff Notes:
 - General
 - The entire site is within flood zone. The rear of the property 6 feet below the 100-year flood elevation, and the house 2.5 feet below the 100-year flood elevation.
 - The proposal will remove the full foundation of the existing house and soil from the rear of the property to provide compensatory storage for the new foundation, piers, and hot-tub. Cut and fill calculations seem appropriate.
 - Staff agree that the site is in a state of degradation, and that restoration of native plants in the rear portion of the property would be ecologically beneficial.
 - Questions/Concerns
 - Staff feel that bordering vegetated wetland flag A4 (and possibly A3) may need to be revised and would like to meet the wetland scientist on site to confirm or revise the flag locations (and associated buffer zone line).
 - Staff feel that the mature trees on the north side of the property may be able to be preserved.
 - Staff feel that the proposed grading (cuts) will damage the roots of the 24" deciduous tree in the northeast corner of the lot and that grading should be revised to ensure protection of the neighbor's tree.
 - Staff would like the applicants to consider fencing now, since it is likely that new owners will want fencing along the rear of the property in the future.
 - There is no proposal for skirting, so none is anticipated to be permitted. If skirting will be desired, staff would like the applicants to consider it now.

- Staff feel that the hot tub and patio should be moved out of the 25-foot Naturally Vegetated Buffer Zone – i.e., eliminated, shifted to the south, or reduced in size. There is no space between the enhancement planting area and the proposed patio, so, e.g., no access for a lawn mower or accommodation for plant growth.
- The plan states “Not intended to be recorded”, but the plans will be recorded by reference. That note should probably be removed.
- Staff Recommendations:
 - Await responses to the issues noted above. Vote to close the hearing and issue an OOC when appropriate.

4. (8:15) – 152 Suffolk Rd – NOI cont’d -- description -- DEP #239-911

- Owner/Applicant: Yelena Dudochkin
- Representative: Mark Arnold, Goddard Consulting
- Request: Issue OOC.
- Documents in packets: 3-17-22 revised plan sheets
- Additional documents presented at meeting: ??
- 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.
- Staff Notes:
 - General
 - Staff received revised plans, a revised stormwater report, and an explanatory memo on 3/17/22.
 - Staff will be away on vacation 3/18/22 – 3/28/22, so a detailed staff review and a coordinated review with Engineering will be delayed.
 - Many corrections have been made to the plan sheets.
 - Many positive changes have been made to the plans to reduce adverse impacts and increase enhancements to the wetland and buffer zone, including but not limited to:
 - Removal of arbor vitae from the wetland
 - Removal of the fence from the 25’ Naturally Vegetated Buffer Zone (NVBZ)
 - Removal of the access way from the NVBZ
 - Removal of the seeding of the NVBZ
 - Addition of native canopy trees to the planting plan
 - Addition of native shrubs to the planting plan
 - Questions/Concerns
 - Erosion controls and snow fence should be revised to protect tree #30.
 - Staff must review the drainage basin assessment with Engineering.
 - Staff must review the proposed infiltration system with Engineering and must consider the implications of installing chambers on a slope and under a sports court.
- Staff Recommendations: none at this time

5. (9:00) Hammond Pond Parkway -- Minor Plan Change – description -- DEP #239-914

- Owner/Applicant: Mass DCR/BSC Group
- Representative: Dan Driscoll, DCR
- Request: Approve a revised set of site-specific conditions to be recorded at the Registry of Deeds.
- Documents in packets: none
- Additional documents presented at meeting: none
- Jurisdiction: RFA, Buffer Zone to BVW, Certified Vernal Pools, City Floodplain
- Performance Standards: RFA, BZ, 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, stormwater

improvements, and a 5' wide sidewalk on the eastern side. The shared use path will be graded so that the majority of stormwater run-off is directed to the buffer for attenuation and infiltration

- **Staff Notes:** A minor plan change was requested. Because it would like to retain the right to use herbicide to limit the spread of poison ivy near the shared use path and apply de-icers to address concerns about public safety, DCR's legal department would like to delete the following perpetual conditions:
 - To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no herbicides or pesticides shall be used.
 - To protect wetland plants and wildlife, salt shall not be used for snow and ice management on the shared-use pathway.
- **Staff Recommendations:** Vote to approve, as a minor plan change, a revised set of site-specific conditions to be recorded at the Registry of Deeds.

6. (9:15) 210 Winchester Rd – COC – second story addition and rebuild deck -- DEP #239-761

- **Owner/Applicant:** Geoff Severud and Jennifer Ibrahim
- **Representative:** Joe Porter
- **Request:** Issue COC.
- **Documents in packets:** Approved plan and revised as-built plan
- **Additional documents presented at meeting:** Site photos
- **Jurisdiction:** BLSF, Riverfront
- **Staff Notes:** Staff received a revised as-built plan, better reflecting current site conditions and a memo noting all deviations from the approved plans, including a revised stairs and deck layout.
- **Staff Recommendations:** The Commission should discuss the deviations and determine whether to issue COC.

7. (9:30) Aspen Sewer – COC – description – DEP #239-712

- **Owner/Applicant:** DPW, Utilities Division
- **Request:** Issue COC.
- **Documents in packets:** none
- **Additional documents presented at meeting:** none
- **Jurisdiction:** BZ only
- **Staff Notes:** Staff have yet to make a confirmatory site visit.
- **Staff Recommendations:** Vote to approve COC, if staff site visit confirms full compliance.

8. (9:35) Elliot Bridge – COC – description – DEP #239-747

- **Owner/Applicant:** DPW, Engineering Division
- **Request:** Issue COC.
- **Documents in packets:** none
- **Additional documents presented at meeting:** none
- **Jurisdiction:** Riverfront Area, BLSF, LUWW
- **Staff Notes:** Staff have yet to make a confirmatory site visit.
- **Staff Recommendations:** Vote to approve COC, if site visit confirms full compliance.

9. (9:40) 229 Dedham St – COC – description – DEP #239-734

- **Owner/Applicant:** DPW, Utilities Division
- **Request:** Issue COC.
- **Documents in packets:** none
- **Additional documents presented at meeting:**
- **Jurisdiction:** RFA, BLSF LUWW
- **Staff Notes:** Staff have yet to make a confirmatory site visit.
- **Staff Recommendations:** Vote to approve COC, if site visit confirms full compliance.

C. ADMINISTRATIVE DECISIONS

10. (9:45) Minutes of 3/10/22 to be approved

- **Documents in packets:** Draft 3/10/22 minutes as edited by Judy Hepburn
- **Additional documents presented at meeting:** none
- **Staff Recommendation:** Vote to approve the 3/10/22 minutes
- Dan Green has volunteered to review/edit the draft 3/31/22 minutes

- D. **ISSUES AROUND TOWN DECISIONS** – none at this time
- E. **WETLANDS UPDATES** – none at this time
- F. **CONSERVATION AREA UPDATES** – none at this time
- G. **ISSUES AROUND TOWN UPDATES** – none at this time
- H. **ADMINISTRATIVE UPDATES** – none at this time
- I. **OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING** – none at this time
- J. **ADJOURN**