

CONSERVATION COMMISSION MINUTES

Date: Thursday, March 31, 2022

Time: 7:00pm

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

With a quorum present, the meeting opened at 7:05 pm with Dan Green presiding as Chair.

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

Members Absent: None

Staff present: Jennifer Steel, Ellen Menounos

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

DECISIONS

A. CONSERVATION AREA DECISIONS

1. 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. PowerPoint presentation
- 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
- Project Summary.
 - Plant and fence 3 plots with approx. 120 small 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, for a total of about 120 small plants.
 - Ryan will add educational signage at the plots.
- Presentation and Discussion.
 - Ryan presented a PowerPoint presentation illustrating his intended activities.
 - Ryan noted that he was considering different options for fencing, soil supplements, and mulch and had considered using NewtonServes to help with preparation of the planting areas.
 - Commissioner comments focused on ensuring that any mulch used be invasive-seed-free and suggested that soil preparation and planting occur at the same time in May, therefore not using Newton Serves which occurs in April.
 - None of the proposed activities will result in net fill in or degradation of the City Floodplain.
- Consensus. The Commission unanimously approved the general nature of the project, and agreed that Staff should continue to work with Ryan on defining project details (including sign content, mulch source, etc.) in coming weeks.

B. WETLANDS DECISIONS

2. 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 a 5-year OOC.
- Documents in packets. locus map, plan sheet, photos
- Additional documents presented at meeting. none
- Jurisdiction. Bank, Land Under Water
- Project Summary. Dig ~6" to create a level area in the sand for two lifeguard chairs at Crystal Lake left beach area.
- Presentation and Discussion.



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

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- Luis Perez-Demorizi noted that 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. He noted the need to undertake this activity annually so is seeking a 5-year OOC.
- Commissioners felt it was a very simple project with no need for any special conditions. Because of the project simplicity and minimal resource area disturbance, Commission also waived requirement of an as built plan and recording of the OOC.
- **Vote.** To close the hearing and issue a 5-year OOC, pending issuance of DEP file #. [Motion: Cade; Second: Zabel; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 7:0:0]

3. 17 Brandeis Rd – NOI – home demo and rebuild, plus site features – DEP #239-917

- 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
- 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.
- Presentation and Discussion.
 - 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’s preliminary comments were addressed with revised plans.
 - The patio was reduced in size and total impervious area was reduced.
 - Grading in the northeast corner of the lot was revised to protect the neighbor’s tree.
 - Staff noted that wetland flag A4 (and possibly A3) and the associated buffer zone line may need to be revised based on observed hydrology. John Rockwood noted that the line was based on vegetation, as per the regulations.
 - Skirting (lattice) has been added to the revised plans
 - Fencing is not desired at this point in time and is not being proposed.
 - Staff noted that the proposed planting plan includes red oaks, but that swamp white oaks should be used instead.
 - The Commission felt that the hot tub and patio should be moved out of the 25-foot Naturally Vegetated Buffer Zone. They noted that they should not make an exception to the policy when alternative locations/layouts exist.
 - The Commission asked that the applicant team consider preserving the mature hemlock.
 - Arnold Glazier, abutter, asked whether stormwater or groundwater would be affected by the project (he was told “no”) and noted that he would prefer the hemlock to be preserved.
- Vote. Continue to 4/28/22. [Motion: Zabel; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 7:0:0]

4. 152 Suffolk Rd – NOI cont’d – backyard pool, sports court, and patio – DEP #239-911

- Owner/Applicant. Yelena Dudochkin
- Representative. Mark Arnold, Goddard Consulting; Mark Mazzarelli, Landscape Architect
- Request. Issue OOC.
- Documents in packets. 3-17-22 revised plan sheets
- Additional documents presented at meeting. civil plan, drainage plan, updated landscape plans dated 3-22-22
- Jurisdiction. Riverfront Area, BVW, Buffer Zone
- 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.
- Presentation and Discussion.
 - General
 - Staff received revised plans, a revised stormwater report, and an explanatory memo on 3/17/22 and revised landscape plans on 3/29/22.
 - Mark Arnold reviewed the many corrections and positive changes have been made to reduce adverse impacts and increase enhancements to the wetland and buffer zone, including but not limited to:
 - Removal of the greenhouse and revised associated grading
 - Protection of 2 more mature trees
 - 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
 - Erosion controls and snow fence (tree protection) were revised
 - Questions/Concerns
 - Staff noted that civil plans and landscape plans do not fully comport. Arnold stated that civil plans haven't been revised.
 - Staff noted recent clearing of an access pathway associated with the test pits for the infiltration systems and that associated debris will need to be cleaned up.
 - Staff noted that the proposed access road is shown as going through trees to be saved. Arnold said it would be changed.
 - Staff noted that the drainage plans still have errors (e.g., 4 discharge points shown but 2 discharge points calculated) and that new plans/calculations are needed. Engineer Spruhan's email indicated it would be fixed.
 - Staff noted concerns about runoff to abutting properties.
 - Staff noted the need for new RFA and BZ calculations for the final OOC.
- Vote. Continue to 4/28/22. [Motion: Cade; Second: Zabel; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 7:0:0]

5. Hammond Pond Parkway -- Minor Plan Change – poison ivy removal – DEP #239-914

- Owner/Applicant. Mass DCR/BSC Group
- Representative. Dan Driscoll, DCR; Diana Walden, BSC Group
- Request. Approve 3 revisions to the perpetual conditions in an edited OOC, 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
- 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
- Presentation and Discussion. 3 small changes to the perpetual conditions were requested by DCR's legal team
 - Retain the right to use herbicide to limit the spread of poison ivy near the shared use path
 - Retain the right to apply de-icers to address concerns for public safety.
 - Reference the revised Operations and Maintenance Plan the DCR feels comfortable with
- Consensus. The Commission unanimously approved of the requested changes as proposed as administrative minor plan changes. Staff will issue a new OOC with the revised Findings and Special Conditions, for DCR to record.

6. 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
- Presentation and Discussion. Staff received a revised as-built plan that better reflects current site conditions and a memo noting all deviations from the approved plans, including a revised stairs and deck layout. Commissioners agreed that the deviations from the approved plans were relatively minor and did not result in ecological damage, but they felt that the owners should plant some native shrubs to mitigate for the unapproved changes. In the cover letter staff will suggest that the owners plant some natives.
- Vote. Issue a complete COC and suggest that the property owners add mitigation plantings. [Motion: Lunin; Second: Zabel; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (abstain), Cade (aye), Zabel (aye), Hepburn (abstain); Vote: 5:0:2]

7. Aspen Sewer – COC – infrastructure to address failing septic system – DEP #239-712

- Owner/Applicant. DPW, Utilities Division
- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. BZ only
- Presentation and Discussion. Staff made a confirmatory site visit. The sewer work was completed without a trace. (Staff noted, however, that Lasell had apparently cut a number of trees near the pond in the recent past. Staff will follow-up with Lasell.)
- Vote. Issue a complete COC. [Motion: Katz; Second: Hepburn; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 7:0:0]

7a. Aspen Sewer – COC – description – DEP #239-393

- Owner/Applicant. Ronald Marini, 14 Aspen Ave
- Request. Issue COC for work never initiated.
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. BZ only
- Presentation and Discussion. In researching DEP File #239-712, Staff discovered a long-expired OOC for the same Aspen Ave sewer work as was conducted under DEP file #239-712, for which work was never initiated.
- Vote. Issue a COC for work never initiated. [Motion: Hepburn; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 7:0:0]

8. Elliot Bridge – COC – reconstruct bridge interior and accessories – 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
- Presentation and Discussion.
 - The road, bridge, and storm drain work was completed nicely.
 - Staff found that some components of the project have declined significantly since installation.
 - Shrubs that were planted have died or declined.
 - The stone swale has filled with particulates and weeds, Japanese Knotweed in particular.
 - Erosion controls were never removed.
 - There was discussion about who is responsible for maintaining this land and stormwater feature. The work was conducted by the City, but some of the land is owned by DCR.
 - One Commissioner noted that volunteers could undertake some maintenance activities.
 - Betsy Hewitt noted that floating tree trunks and branches have caught on the bridge abutments and should be cleared. She suggested the Erica Aubin of DCR could be a useful contact about maintenance. She also suggested that the Friends of Hemlock Gorge could help care for a modified stormwater swale.

- Vote. No vote was taken. Staff will speak with the applicant team about possible resolutions including planting a revised mitigation area and revised drainage swale that will function properly.

9. 229 Dedham St – COC – drainage improvements – DEP #239-734

- Owner/Applicant. DPW, Utilities Division
- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. RFA, BLSF LUWW
- Presentation and Discussion. Staff made a site visit and found the site to be in general compliance with the approved project. Stormwater seems to be controlled, the culvert repairs seem complete, plantings have matured, and the stream bank appears stable.
- Vote Issue a complete COC. [Motion: Katz; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 7:0:0]

10. 77 Hagen Ave – COC – DEP #239-250

- Owner/Applicant. Susan Haesert
- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. BLSF
- Presentation and Discussion. Staff received a last-minute request for a COC for a closing. Staff made a site visit and found that as-built conditions are not in compliance with the approved plans for a “deck and porch” in DEP file 239-250. Currently, there is a sunroom, a small deck, and an addition.
- Consensus. COC should not be granted at this time. The owner should come before the Commission to resolve the matter.

C. ADMINISTRATIVE DECISIONS

11. 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
- Vote. Approve the 3/10/22 minutes. [Motion: Gilligan; Second: Katz; Roll-call vote: Green (aye), Lunin (aye), Gilligan (abstain), Katz (aye), Cade (abstain), Zabel (abstain), Hepburn (aye); Vote: 4:0:3]

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

- MassDOT is in the early planning stages of a large project to replace 8 bridges near the intersection of I-95 and I-90. It will affect Newton and Weston. MassDOT bridge projects are exempt from the need to make a wetlands filing, but there will be opportunities for public input.

H. ADMINISTRATIVE UPDATES

- Staff would like to revise the Commission’s standard perpetual herbicide and pesticide conditions. Staff requested that the Commission submit thoughts and constructive criticism about these conditions before the next meeting.

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

J. ADJOURN Vote to adjourn at 9:54 pm. [Motion: Zabel; Second: Gilligan; Roll-call vote: Green (aye), Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 7:0:0]