

CONSERVATION COMMISSION AGENDA

Date: Thursday, May 19, 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.

DECISIONS

A. WETLANDS DECISIONS

1. 7:00 – 275-281 Needham St., 55 Tower Rd., and 156 Oak St. (Northland) – NOI (cont'd) – Park Development around South Meadow Brook -- DEP #239--921

- Owners. Needham Street Associates (Arthur Friedman, Trustee), Northland Tower Investors, Northland Oak Street LLC
- Applicant. Kent Gonzales, Northland Development, LLC
- Representative. Christopher Wagner and Curtis Quitzau, VHB
- Request. Issue COC.
- Documents in packets. Nothing. The site visit on 5/12/22 will generate understanding for further discussion at the 5/19/22 hearing
- Additional documents presented at meeting. TBD
- Jurisdiction. Riverfront Area, Bank, Buffer Zone, City Flood Zone
- Performance Standards.

10.58(5) RFA: Redevelopment in Previously Developed Riverfront Areas; Restoration & Mitigation

- ... work improves existing conditions.
- Redevelopment means ... reuse of degraded or previously developed areas.
- A previously developed riverfront area contains areas degraded prior to August 7, 1996....
- Work to redevelop previously developed riverfront areas shall ...:
 - (a) At a minimum, work shall result in an improvement over existing conditions ...
 - (b) Stormwater management is provided according to standards
 - (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less
 - (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
 - (e) proposed work shall not exceed the ... degraded area ... except in accordance with 10.58(5)(f) or (g).
 - (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at RFA outer boundary may be allowed if an applicant provides restoration of > 1:1
 - (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant provides mitigation of at least 2:1
 - (h) The issuing authority shall include a continuing condition in the COC ... prohibiting further alteration within the restoration or mitigation area....

Bank: 310 CMR 10.54

- (a) Work on a Bank shall not impair the following:
 - 1. The physical stability of the Bank;



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
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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. 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 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.
6. Work on a stream crossing ...

(b) Structures may be permitted in or on a Bank when required to prevent flood damage, including the renovation or reconstruction (but not substantial enlargement) of such facilities, buildings and roads, ...

(c) No project may be permitted which will have any adverse effect on specified habitat sites of Rare Species.

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]..."

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.

• Project Summary.

- This is a portion of the redevelopment of 22.6 acres of vacant industrial land into a large mixed-use development – the Riverfront Area associated with the daylighted portion of South Meadow Brook.
- The proposed project will impact 70,666 sf of RFA (34,545 sf in the inner riparian and 36,121 sf in the outer riparian zone. Proposed work includes:
 - Construction of buildings, roadways, bike paths, etc. will be in the outer RFA within a previously degraded footprint.
 - Approximately 15,000 sf of impervious surface will be removed from the RFA adjacent to South Meadow Brook. Temporary disturbance in the Buffer Zone and Riverfront Area will be stabilized and restored with native trees, shrubs, and grasses.
 - The Commission’s 25-foot Naturally Vegetated Buffer and the Commission’s Tree Replacement Guidelines have been acknowledged and will be respected. “Tree and shrub removal from within the NVB and 100’ buffer is exclusively for removal of invasive species and restoration.”
 - Selective removal of invasives, removal of impervious surfaces, stabilization and restoration or degraded areas
 - Installation of native plantings.
 - Installation of a pedestrian footpath and seating areas.
 - Installation of a bioretention area.
 - Disturbed areas will be stabilized by seeding with native meadow mix.
- The Project will improve drainage and stormwater treatment within the Riverfront Area.
- A clear limit of work will be identified and erosion and sedimentation control areas will be installed throughout the Project Site.

• Staff Notes – Communications with the applicant team and DEPs comments

• KEY. black = 4/21/22 staff notes, *red = 4/27/22 applicant response*, *blue = 5/4/22 staff response*, green = MADEP’s comments 5/10/22

- Plan clarifications
 - LG-309.2: What are the trees along Charlemont Street in? *“Street tree planter- interior” and “Street tree planter – exterior”.* *Are they elevated “boxes”?* *Are they tree trenches that are integrated with stormwater systems?*
 - LG-602.2: Where are cross-sections A, B, and C referenced? *We will add a key to the plan view.*
 - C-5: The bioretention basin design. *Refer to the grading on C-4*
 - C-5: Is there any dog park on-site? *I am concerned that with only one very small, fenced dog park, the South Meadow Brook Park area will become a de facto dog park. Also, gardeners tend to like serenity, fenced dog parks are rarely serene places; those two uses may not be good neighbors.*
 - SESC-3: Plans and the key should clarify where entrenched silt fence AND compost sock will be employed and where just one or the other will be employed. *We will revise the plans to clarify*
- Requested additions/modifications to plans

- A Phasing Plan will likely be required to clearly indicate stages of demolition, erosion control, temporary sediment basins, construction, and planting. *We would prefer to leave the sequence of construction up to the discretion of the general contractor, otherwise we are treading into construction means and methods that we wish to avoid. Generally speaking, the work in jurisdictional area will take place over several years starting with an enabling contract to install underground utilities and ending with final surface treatments and plantings. There will likely be several stages in between with varying degrees of land disturbance, and since the SWPPP is a dynamic document that changes constantly we prefer not to control it at this time. Understood. For the purposes of an Order of Conditions, we need to address site protection in some way. The full SWPPP is going to be WAY more than the ConCom needs for its jurisdiction, so I would rather see a more focused plan for South Meadow Brook. E.g., "Phase I: Underground Utilities: Area will be fully protected and not touched. Phase II: Rough grading: Area will be subject to tree cutting and asphalt removal – erosion controls will be wire reinforced silt fence as shown on Plan X. Phase III: Landscaping: Erosion control will be relocated as shown on Plan Y; selective cutting of trees and planting of trees and shrubs as shown on Plan Z."*
- Staff are concerned that a "native meadow" immediately proximate to a footpath and sidewalk is not appropriate. *"Meadows" of tall species in small area are often seen as "unkempt", "messy" and "tick habitat". They are not made of robust species that support foot (and paw) traffic well. They often become replaced with low turf grasses.*
- Staff would like to see existing trees shown on a base plan and an inventory which are proposed to be removed and which will need to be protected in the field. *The site visit will clarify this. Generally tagging and numbering the trees to remain is the best way to visualize and monitor a setting/situation like this. The Commission is most interested in ensuring a long-lived, healthy, stable, ever-more-native stream embankment area. There needs to be careful thought given to how to best affect an "evolution" from current conditions to superior conditions.*
- The planting plan sheets should be augmented with a planting schedule that indicates size at time of installation for each type of tree. *The plant schedule provided on LG-309.3 will be revised*
- There should be a multi-year invasive control plan. *this will be a good thing to discuss in the field. The Commission's interest will be in maintaining ecological health.*
- There should be a vegetation maintenance plan. *If you want to send whatever maintenance plan the Special Permit references, the Commission can consider referencing it. The Commission's interest will be in maintaining ecological health.*
- SESC-3: Having SESC only at the bottom of the slope seems inadequate – top-of-slope and mid-elevation sediment control may be prudent. *We think it is adequate because the road is sloped away from the brook and there is <50' of flat slope beyond the curb line. The 3:1 slope itself is only 20'. According to guidance materials, a 12" sock can handle 40' slope length @ 35%. Nevertheless, the plan depicts basic, minimal perimeter controls intended as a starting point for Contractor's SWPPP. Once things are flagged in the field and we have a chance to walk the site together, we can better determine appropriate SESC, and SESC performance language*
- SESC-3: Trees and tree protection should be shown. *We will add specificity to tree protection areas when we get a better sense of the Commission's preference concerning removal of invasive trees in areas where they could otherwise remain.*
- SESC-3: Temporary sediment controls (basins) should be considered to limit the impact on catch-basins. *See above re SWPPP vs details close to South Meadow Brook.*
- SESC-4: How will slopes be stabilized during construction? *Temporary slope stabilization best practices are provided in Appendix E of the Stormwater Management Report. We will add these to the notes on sheet SESC-1. Generally, contractor has choices and will have to choose the method in consideration of site conditions, weather, season and other factors that are not known at this time. The site visit will help clarify what slopes will be vulnerable and what the plans should depict.*
- Requests for more information
 - C-4.1: Staff would like greater clarification of the work proposed in the culverted portion of the stream (e.g., shoring, dewatering, erosion control, debris control, turbidity control, etc.) *We inadvertently omitted an intended Attachment F to the NOI application...*
 - C-4: The bio-retention basin has very little storage capacity since it will "over top" at 116'. *It is intended to be a shallow basin for water quality benefits, not a detention basin for runoff control. The bioretention basin is designed to meet the required water quality volume for the impervious area discharging. The water quality storage volume is below the weir elevation of 116.5. So, is it designed to hold 1" of runoff?*
- Stormwater
 - What drains to the daylighted portion of SMB currently? There are pipes that discharge to the stream, yet the Stormwater Report doesn't seem to mention them. *When we are in the field, we can get some greater clarity on this. It would be good to have the plans clearly depict all infrastructure and its status (existing and proposed).*

- Note: The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition.
- MADEP's comments
 - Owners' signatures were not provided on/with NOI.
 - Checklist for Stormwater Report not stamped or signed by PE.
 - Plans and narrative for work in Riverfront Area are insufficient to determine if performance standards for 10.58(5)(c) through (e) are met. A table is needed clearly showing existing and proposed "degraded" areas to ensure 10.58(5) (e) is met. Plans are needed clearly showing existing and proposed degraded, and non-degraded-but-previously-disturbed areas. Which subparagraph at 10.58(5) is not met for which proposed restoration is required? What amount of restoration is required to meet that subparagraph?
 - Plans for "waterfall" on South Meadow Brook are insufficient to determine if performance standards for 10.54(4) are met.
 - Are there alternatives for a reduced "concrete paver viewing platform" which could provide improved stream function?
 - Were test pits installed for all stormwater infiltration areas? Soil logs were not provided to confirm infiltration rates or depth to/separation from seasonal high groundwater table per Table RR in Vol. 1 Ch. 1 of the Stormwater Handbook. Are all infiltration areas in compliance with setbacks for property lines (min. 10') and open water (min. 50') (Vol. 2 Ch. 1 of the Handbook)? Are slopes for proposed infiltration basin adjacent to brook less than 20% (Vol. 2 Ch. 1 of the Handbook).
- Staff Recommendation. Await answers and resolution to the issues raised above and others as they may come up.

2. 7:45 – Charles River, DCR – NOI – invasive plant removal -- DEP #239--923

- Owners. Priscilla Geigas, DCR
- Applicant. Kara Sliwoski, DCR
- Representative. Keith Gazaille, SOLitude Lake Management
- Request. Issue OOC.
- Documents in packets. Colored site plans
- Additional documents presented at meeting. None
- Jurisdiction. Land Under Waterbodies and Waterways
- Performance Standards. This is a Limited Project application, so must meet performance standards to the extent practicable

Limited Project 10.53

(3) "Notwithstanding the provisions of 310 CMR 10.54 through 10.58 and 10.60, the Issuing Authority may issue an Order of Conditions and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40. ... The Issuing Authority shall consider the following factors: the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided"

(4) Ecological Restoration Limited Projects.

(e) Types of Ecological Restoration Limited Projects.

5. Other Restoration Projects. An Ecological Restoration Project that is not listed in 310 CMR 10.54(4)(e)2. through 4., that will improve the natural capacity of a Resource Area(s) to protect the interests identified in M.G.L. c. 131, § 40, may be permitted as an Ecological Restoration Limited Project provided that the project meets the eligibility criteria set forth in 310 CMR 10.54(4)(a) though (d). Such projects include, but are not limited to, the restoration, enhancement or management of Rare Species habitat, the restoration of hydrologic and habitat connectivity, the removal of aquatic nuisance vegetation to retard pond and lake eutrophication, the thinning or planting of vegetation to improve habitat value, riparian corridor re-naturalization, river floodplain reconnection, in-stream habitat enhancement, fill removal and regrading, flow restoration, and the installation of fish passage structures.

LUWW: 10.56

(a) Work shall not impair the following:

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; and
4. The capacity of said land to provide important wildlife habitat functions. ...
5. Work on a stream crossing – N/A

(b) The issuing authority may issue an Order to maintain or improve boat channels

(c) No project may be permitted which will have any adverse effect on rare species.

- Staff Notes.
 - **Logistics**
 - This OOC will replace the existing outstanding OOCs.
 - The project almost qualifies as an “Ecological Restoration Limited Project” and the applicant followed all the requirements for such.
 - But the project will be permitted simply under 10.53(4)(e)5. “other restoration projects ... that will improve the natural capacity of a Resource Area(s) to protect the interests identified in M.G.L. c. 131, § 40 ... Such projects include ... the removal of aquatic nuisance vegetation to retard pond and lake eutrophication, the thinning or planting of vegetation to improve habitat value ...”.
 - The Commission must consider the extent to which impacts will be avoided, minimized, mitigated
 - **Project – Overview**
 - DCR is seeking a 5-year OOC to initiate a single all-encompassing Aquatic Vegetation Management Program throughout the Lakes District (Commonwealth Ave. Bridge to the Watertown Dam) to control of submersed non-native and invasive aquatic plant to improve access/safety, native habitat, open water habitat, and water quality. Excessive weed growth (see weed lists in the packet):
 - Threatens boating
 - Creates areas of vegetation that are too dense for some native wildlife
 - When dying, releases nutrients that can cause algae blooms (including toxic cyanobacteria)
 - When dying, increase biological oxygen demand that cause low DO events and fish kills
 - The project is an integrated program of: monitoring, herbicides, and mechanical harvesting
 - The components of the project are all in sync with the GEIR and Guidances for Lake and Pond Mgt.
 - The 8 interests of the Act are protected.
 - The only resource area affected in Land Under Waterbodies and Waterways – its interests are protected
 - As a limited project, it is fully permissible.
 - The project will have two phases (see the anticipated schedule in the packet):
 - Phase 1. (2 years) Hit the known infestations hard
 - Phase 2. (3 years) Follow up as needed
 - **Project – Details (with Staff Questions and Comments in bold-face type)**
 - Phase 1.
 - Shoreline signage will be placed in advance of every treatment
 - Water chestnut.
 - Harvester (runs on vegetable based hydraulic oil (**more info please**)); will start upstream
 - Hand pulling in tough to reach areas
 - Launch/disposal in Waltham (**more info please – how will efficiency be maximized?**)
 - May cause turbidity (**will this be addressed? What sediment or turbidity controls will be used in Newton?**)
 - Milfoil
 - ProcellaCOR - systemic
 - Causes loss of structural integrity. 3 weeks to affect death. Limited contact time needed for efficacy.
 - 80 ounces/acre
 - No impacts on birds, fish, drinking water, turf irrigation
 - May impact native coontail and waterlilies
 - Pg 14: “May reduce algae” (**more info please**)
 - Pg 14: “minimal” area to be treated (**more info please, it looks like a lot on the map**)
 - Milfoil, fanwort, curly leaf pondweed
 - Fluridone/Sonar - systemic
 - Allows chlorophyll to be phot-degraded.
 - Requires long contact time (45-90 days), so slow-release pellets are used (**so why use liquid at all ?**)
 - 5-10 ppb
 - DMF disallows it during spawning (**TOY restrictions letter needed**)
 - Impacts irrigation and is restricted near drinking water supplies (**why?**)
 - Phase 2. For regrowth or recolonization – must be flexible
 - Annual vegetation monitoring
 - Meet with the ConCom in advance of every treatment to consider:
 - Milfoil, curly-leaf pondweed, and other nuisance submersed plants (**and algae?**)
 - Diquat (Tribune) interferes with photosynthesis (**more info please – it sounds untargeted**)
 - spot-applications

- Many more restrictions
 - CRWA is opposed because of rapid plant death and cyanobacteria bloom
- Water chestnuts
 - Imazamox (Clearcast) (more info please – it sounds untargeted)
 - Hand sprayed on
 - Many more restrictions
- Fanwort (It is “the only effective material”, but what about fluridone?)
 - Flumioxazin (Flumigard) disrupts cell membranes (more info please – it sounds untargeted)
 - spot-applications
 - fast acting
 - Many more restrictions
- Address: algae ONLY if human health is at risk (e.g., cyanobacteria at Head of the Charles)
 - Coppers
 - Peroxides
 - (What about alum?)
- **Additional Questions/Comments**
 - A number of entries in the NOI are missing.
 - Abutter notification should be Newton’s “Zoom” form.
 - Plans – “blown-up”/zoomed in plans should be provided.
 - Clarify all water quality improvements anticipated.
 - What native species are expected to survive and thrive?
 - What shoreline activities are planned?
 - What is the trend of nutrient contributions to the river?
 - What controls are in place for boat spread of weeds?
 - We need a letter from DMF clarifying TOYs.
- Staff Recommendation. Once clarifications and any necessary plan modifications have been provided to the satisfaction of the Commission, vote to close the hearing and issue an Order of Conditions with the following Findings and Special Conditions. (NOTE: Blue text indicates new findings/conditions not found in the Lower Basin OOC, black text indicates conditions from the Lower Basin OOC)

Findings

- Once this OOC has been recorded, the Commission will consider closing out open OOCs subsumed by this OOC.
- The Commission may, at its discretion, require applicant-funded, third-party peer reviews of the water quality data, pre-treatment surveys, pre-treatment reports, post-treatment surveys, and/or year-end reports. Should any third party monitoring be required by other relevant municipalities, the applicant shall send copies of said monitoring reports to Watertown when they are released.
- Work shall conform in all respects to the approved plans and narrative, unless otherwise conditioned in this Order.
- The Charles River in the project area underlies a diadromous fish run and provides important spawning habitat alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), American shad (*Alosa sapidissima*)*, rainbow smelt (*Osmerus mordax*), white perch (*Morone americana*) Atlantic tomcod (*Microgadus tomcod*), and American eel (*Anguilla rostrata*). [*The area between the Watertown Dam and River St. Bridge in Cambridge (i.e., the stretch of river along Nonantum Road in Newton) is spawning habitat for American shad (*Alosa sapidissima*) and provides habitat for juveniles.

Prohibited Activities

21. This Order authorizes the use of only ProcettaCOR/Florpyrauxifen-benzyl and Sonar/Fluridone. The use of Diquat/Tribune, Clipper/Flumioxazin, Clearcast/Imazamox, any other chemical herbicide treatment, or any copper or peroxide-based algaecide treatment is strictly prohibited unless the Applicant seeks and obtains Commission approval for their use as minor plan changes.

Conditions Prior to the Start of Work

22. To ensure broad understanding of this Order and good lines of communication, the applicant must provide:
 - a. A signed Certificate of Understanding.
 - b. Contact information for those responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
 - c. Anticipated timeline
23. To ensure broad understanding of this Order and good lines of communication, the Applicant must:

- a. Review all conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions. The project supervisor overseeing daily operations at the site must read this Order.
 - b. Include this document in all contracts, subcontracts, and specifications associated with the proposed work and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors and personnel performing the permitted work are aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.
24. The applicant shall notify the Conservation Office 48 hours prior to any chemical treatment effort.
25. All other applicable federal, state and/or local permits and/or approvals must be obtained.
26. The applicant, or contractor, shall obtain a valid BRP WM 04 Permit for the application of herbicides for the designated target species.
27. Prior to the start of application, the Applicant must submit final 2021 application plans to Commission staff. Commission staff will determine whether there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
28. Prior to the start of application, the Applicant shall provide the Commission with a plan specifying measures to inform and protect the public during nuisance vegetation management activities. Any flyers notifying the public shall identify the DEP File number for this approval.

Conditions During Work

29. A copy of the approved plans and Order of Conditions shall be on-site and available at all times. All contractors must adhere to the approved plan and conditions. Should any damage occur during the project, the applicant or any successor shall be responsible for the full cost of restoration of the wetland to the satisfaction of the Commission.
30. Department of Conservation and Recreation staff shall periodically check the work of the approved contractor throughout the season and shall spot check any vegetation surveys to ensure accuracy. If third party monitoring is required by Boston, Cambridge, or Watertown, the Applicant shall send copies of said monitoring reports to Newton as soon as they are released.
31. If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, the applicant and licensed applicator must immediately contact the DEP's Emergency Response section, the Department of Fish and Game, and the Newton Conservation Commission, and all site-related activities impacting the water must cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
32. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident.
33. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.
34. "Good housekeeping best management practices" shall be implemented at all times during in-water or waterside activities to minimize turbidity and other water quality impacts, including:
- c. appropriate stockpile area management. There may be no staging of construction materials, storage of construction equipment, or disturbance to land beyond the limit of work.
 - d. appropriate mixing or storage of herbicide in the wetland resource areas
 - e. appropriate material storage (e.g., contained/stored so as not to enter the resource area)
 - f. appropriate limits to vehicle refueling, vehicle washing, etc.
 - g. appropriate litter management
 - h. appropriate controls for tire tracking
 - i. All practical best management practices must be implemented during in-water or waterside activities to minimize turbidity and other water quality impacts.
 - j. Deck gear and equipment stored on project-related vessels must be secured at the end of each workday and inspected for any leakage.
 - k. All project-related vessels must have a spill kit containing sorbent materials on the vessel at all times.
35. Pre-treatment visual survey shall be conducted towards the beginning of the growing season to accurately determine the areal extent of the targeted invasive plant species. Wide Area Augmentation System (WAAS)

enabled GPS shall be used to geospatially reference the perimeter of various invasive plant beds within the project area. This information will culminate into target plant bed and management area maps. These data shall be used to inform the annual management effort throughout the program.

36. Pre-treatment report These reports must be given to ConCom on or before July 1st in any year the Order is valid, and shall include, at a minimum:
 - a. plans (maps),
 - b. photographs (annotated and keyed to the plan),
 - c. a narrative which describes percent vegetative cover by species.
 - d. any new growth of target species
 - e. updates on all recent/ongoing nuisance vegetation; and
 - f. any anticipated activities to be undertaken in the coming year
37. Herbicide Applications in General.
 - a. All application of herbicides approved for use by this Order shall be applied by an applicator licensed (in the aquatic weed category) by the Massachusetts Department of Agricultural Resources (MDAR), Pesticide Bureau.
 - b. Applications of herbicide must follow all product label directions.
 - c. Herbicide application shall not occur during periods when wind speed exceeds 10 miles per hour.
 - d. Herbicides shall not be applied within 4 hours before a forecasted rain event, during a rain event, or within 4 hours after a rain event.
 - e. There may be no mixing or storage of herbicide in the wetland resource areas, or the buffer zone.
 - f. Prior to treatment, the shoreline of the waterbody will be posted with signs warning of temporary water-use restrictions.
38. ProcellaCOR Applications
 - a. ProcellaCOR will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions (April 1-June 30 & September-1 November 15).
 - b. ProcellaCOR will be applied to the areas of milfoil growth from 2 to 4 PDU/ac-ft. (The permissible maximum label rate is 25 PDU/ac-ft). One PDU is equal to 3.17 ounces.
 - c. ProcellaCOR herbicide will be applied from a boat equipped with a calibrated pumping system and real-time GPS navigation. The designated treatment area polygons will be loaded into a GPS unit to allow proper identification of specific treatment areas and even and uniform application of the herbicide. Based on the criteria provided, the appropriate ProcellaCOR dose will be diluted with river water on board the treatment boat. The herbicide solution will then be injected sub-surface through trailing drop hoses from the treatment boat. This process will be repeated for all identified/designated ProcellaCOR treatment areas.
 - d. For granular applications, the herbicide will be placed into a circular spreader mounted to the bow of the treatment vessel and evenly distributed over the surface of the treatment area. Using the pellet formulations, the active ingredient is gradually released off the clay carrier pellet over a period of several weeks. This allows for a controlled and extended exposure to Fluridone concentrations. For aqueous applications to smaller acreage amounts, the herbicide will be placed into an onboard mixing tank, mixed with river water and evenly distributed throughout the surface of the treatment area via boat. This herbicide will be applied under the water surface through trailing hoses, minimizing the chance of herbicide drift and assuring accurate placement over the target species.
39. Sonar/Fluridone Applications
 - a. Although there are no restrictions on swimming, boating or fishing, prior to treatment the shoreline of the river will be posted with signs warning of temporary water use restrictions.
 - b. Sonar will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions (April 1-June 30 & September-1 November 15).
 - c. Concentrations in the range of 5-10 ppb will be targeted for the control of the invasive species assemblage present in the Lower Basin. (Note: US EPA has approved a limit of 150 ppb to be allowed in water used for drinking.)
 - d. For granular applications, the herbicide will be placed into a circular spreader mounted to the bow of the treatment vessel and evenly distributed over the surface of the treatment area. Using the pellet formulations, the active ingredient is gradually released off the clay carrier pellet over a period of several weeks. This allows for a controlled and extended exposure to fluridone concentrations. For aqueous applications to smaller acreage amounts, the herbicide will be placed into an onboard mixing tank, mixed with river water and evenly distributed throughout the surface of the treatment area via boat. This

herbicide will be applied under the water surface through trailing hoses, minimizing the chance of herbicide drift and assuring accurate placement over the target species.

40. DMF's requirements regarding Time of Year (TOY) restrictions. Any water-based activity, including the chemical treatment of nuisance vegetation, is prohibited during the time-of-year restriction (TOY) from February 15th to July 15th and September 1st to November 15th in any year in which the Order for this project is valid. If work must occur within the TOY, the pre-treatment survey results and pre-treatment report shall be provided to DMF and the Commission on or before June 15th and the Applicant shall develop a monitoring plan in accordance with Massachusetts Division of Marine Fisheries (DMF) requirements. Said plan must be submitted to and approved by DMF and Commission Staff.
 - a. ProcellaCOR will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions.
 - b. Sonar/Fluridone will be applied according to the approved calendar and abiding by DMF's Time of Year (TOY) restrictions.
 - c. Any chemical treatments during the TOY restriction in the stretch of river along Nonantum Road in Newton shall be split over two years??
41. Water chestnut hand-pulling may take place at any time, but preferably towards the end of June. Dewatering and disposal must take place off-site (no upland site in Newton has been identified or approved) and in a manner appropriate to management and control of that invasive species.
42. Water quality testing shall occur pre- and post- treatment each season according to DMF standards.
43. The Applicant or their contractor must keep a daily log summarizing all treatment activities of this project on every day that such activity occurs. These logs will be kept in accordance with state practice.
44. Post-treatment survey. At or near the conclusion of active management and the growing season, a post-management survey of the Lower Basin will be conducted. This survey will replicate the 555 point-intercept survey established during the 2019 survey effort with rake-toss collections made at each survey point.
45. Year-end reports outlining the results of all surveys and monitoring conducted, the management strategies employed and their outcome, documented/observed non-target impacts, and future management needs/recommendations. This report shall be submitted to the Commission no later than December 31st each year the Order is valid.
46. Peer Reviews. The Commission may, at its discretion, require applicant-funded, third-party peer reviews of the water quality data, pre-treatment surveys, pre-treatment reports, post-treatment surveys, and/or year-end reports.

Conditions after Work has been Completed

47. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
 - a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. A written statement from contractor (SOLitude Lake Management at the time of the issuance of this Order) registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.

3. 8:30 – 15 Keefe Ave – NOI – second story addition on single family home -- DEP #239-???

- Owner/Applicant. Philip Leung
- Representative. David Therrien
- Request. Issue OOC.
- Documents in packets. Aerial photo/locus map, colored site plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, City Floodplain, BZ to Charles River
- Performance Standards:

RFA: Redevelopment in Previously Developed Riverfront Areas; Restoration & Mitigation: 10.58(5)

- ... work improves existing conditions.
- Redevelopment means ... reuse of degraded or previously developed areas.
- A previously developed riverfront area contains areas degraded prior to August 7, 1996...
- Work to redevelop previously developed riverfront areas shall ...:
 - (a) At a minimum, work shall result in an improvement over existing conditions ...
 - (b) Stormwater management is provided according to standards

- (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less
- (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
- (e) proposed work shall not exceed the ... degraded area ... except in accordance with 10.58(5)(f) or (g).
- (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
- (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
- (h) The issuing authority shall include a continuing condition in the COC ...under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....

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]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”

- Project Summary. Second story addition on single family home, gas line installation.
- Staff Notes.
 - The project is on its face simple, but since it appears to be a developer’s project, staff wonder whether additional site improvements are planned. Greater detail about intended activities and improvements are needed.
 - Provided details of vegetation removal around the house to allow access for construction
 - Provide proposed replacement/mitigation planting plan
 - Confirm whether deck will be replaced
 - Confirm whether shrubs and invasives behind the house will be removed
 - Confirm whether shed in rear yard will be removed or replaced
 - Confirm whether the driveway will be left, replaced in place and in kind, or altered
 - Consider details of proposed or modified limit of work
- Staff Recommendation. Once clarifications and any necessary plan modifications have been provided to the satisfaction of the Commission, vote to close the hearing and issue an Order of Conditions with the following Special Conditions:
 - Remove invasives from behind the house ...
 - Protect trees at side and front of house or ...

4. 9:00 – 17-19 Dunstan St – COC -- DEP #s 239-324; 239-644

- Owner/Applicant: Howard Chang and Jennifer Chang
- Representative: Nina Neivens
- Request: Issue COC.
- Jurisdiction: BLSF, Riverfront
- Staff Notes: The second OOC incorporated the requirements of the first OOC. The Commission should close out both OOCs simultaneously whenever appropriate. Staff received an as-built plan, memo from the engineer, and memo from the landscaper. Staff site visit noted that building and drainage details appear to be in compliance and that many of the restoration area plants have established successfully, but staff were able to find only 1 “cobble” and 1 of the three required iron pipe bounds (the other two may well be there but are apparently buried. Without readily visible bounds, the mitigation area has “shrunk” over time. Bounds should be made readily visible and the mitigation area should be reestablished to its full extent. Bounds can be iron pipes, stone or wooden posts, etc. but must be mor- or-less permanent and visible.
- Staff Recommendations: Await a response from the applicant re resolution of the bounds and extent of the restoration area.

5. Modified Standard Condition for Mitigation/Restoration/Enhancement Planting Areas

- Consider adding the underlined language to the standard condition: “Activities including, but not limited to, mowing, dumping, storage of materials, and installation of structures in the enhancement planting area are prohibited.

B. 9:45 – CONSERVATION AREA DECISIONS – none at this time

C. 9:55 – ADMINISTRATIVE DECISIONS

6. Minutes of 3/31/22 to be approved

- Documents in packets. Draft 4/28/22 minutes as edited by Ellen Katz.
- Staff Recommendation. Vote to approve the 4/28/22 minutes.

- Volunteer? Who will volunteer to review the 5/19/22 minutes?

D. 10:00 – ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

E. 10:00 – WETLANDS UPDATES – none at this time

F. 10:00 – CONSERVATION AREA UPDATES – none at this time

- Annual Land Management Contract. Bids to be opened 5/12/22.
- Old Deer Park Trail has been marked and mowed and is ready to be opened to the public. Dan Green will coordinate the installation of post and plaque for Ira Wallach and event for the Wallach family. Staff will open the south entrance pedestrian gate and make the footbed safe for pedestrians.
- “Community Bridge” Corridor Feasibility Study RFQ has been reviewed by Newton staff and will be administered by Needham.
- MassTrails grant application to fund the stairs connecting the Upper Falls Greenway with Upper Falls Riverwalk is due on 5/16/22 – but has hit a snag with the discovery that the City is not the current holder of the CR where the bottom of the stairs would fall. Staff are working to find a resolution.
- Staff are pushing to get land management projects underway.

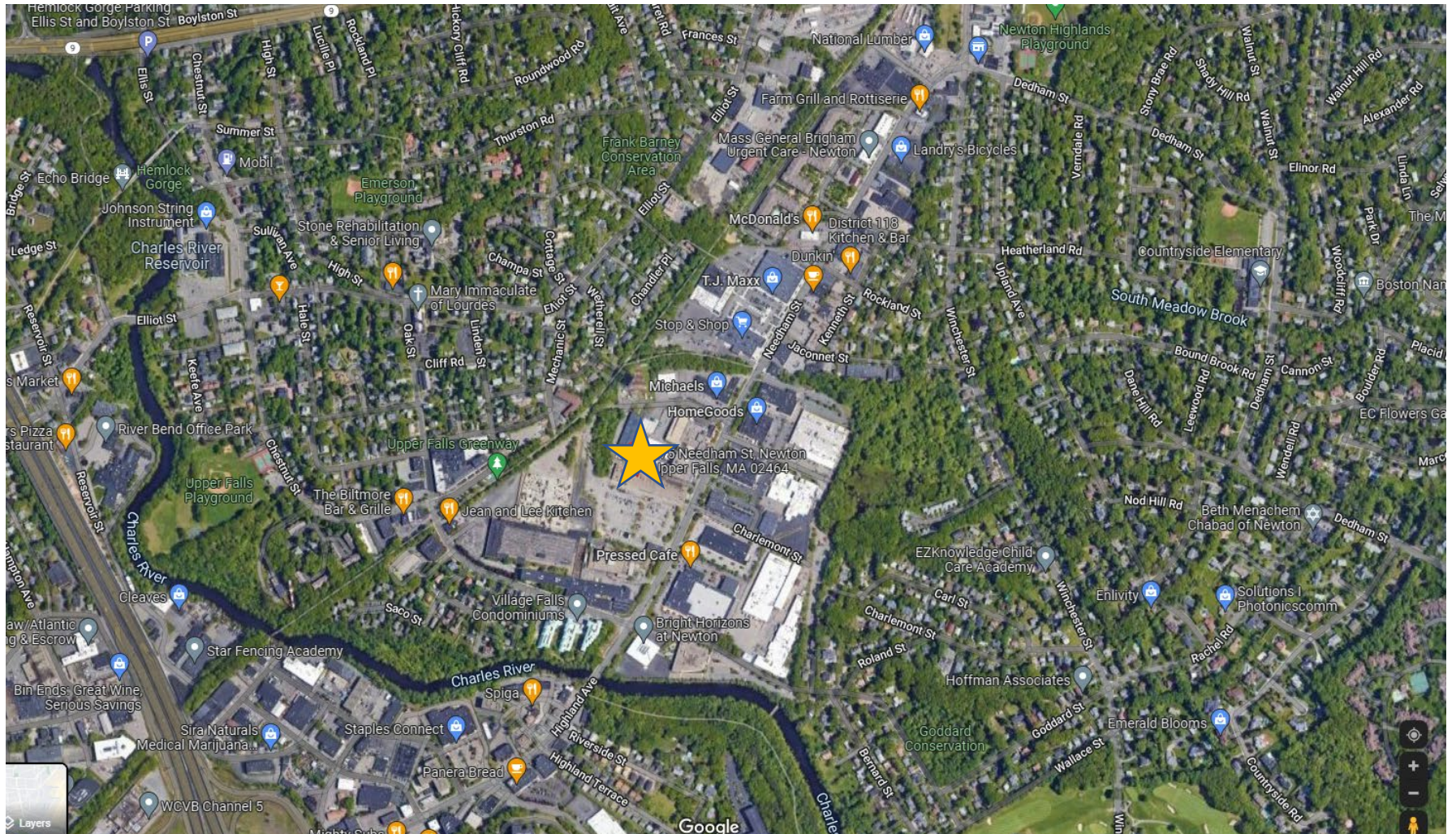
G. 10:10 – ADMINISTRATIVE UPDATES – none at this time

H. 10:10 – OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING – none at this time

I. 10:10 – ADJOURN

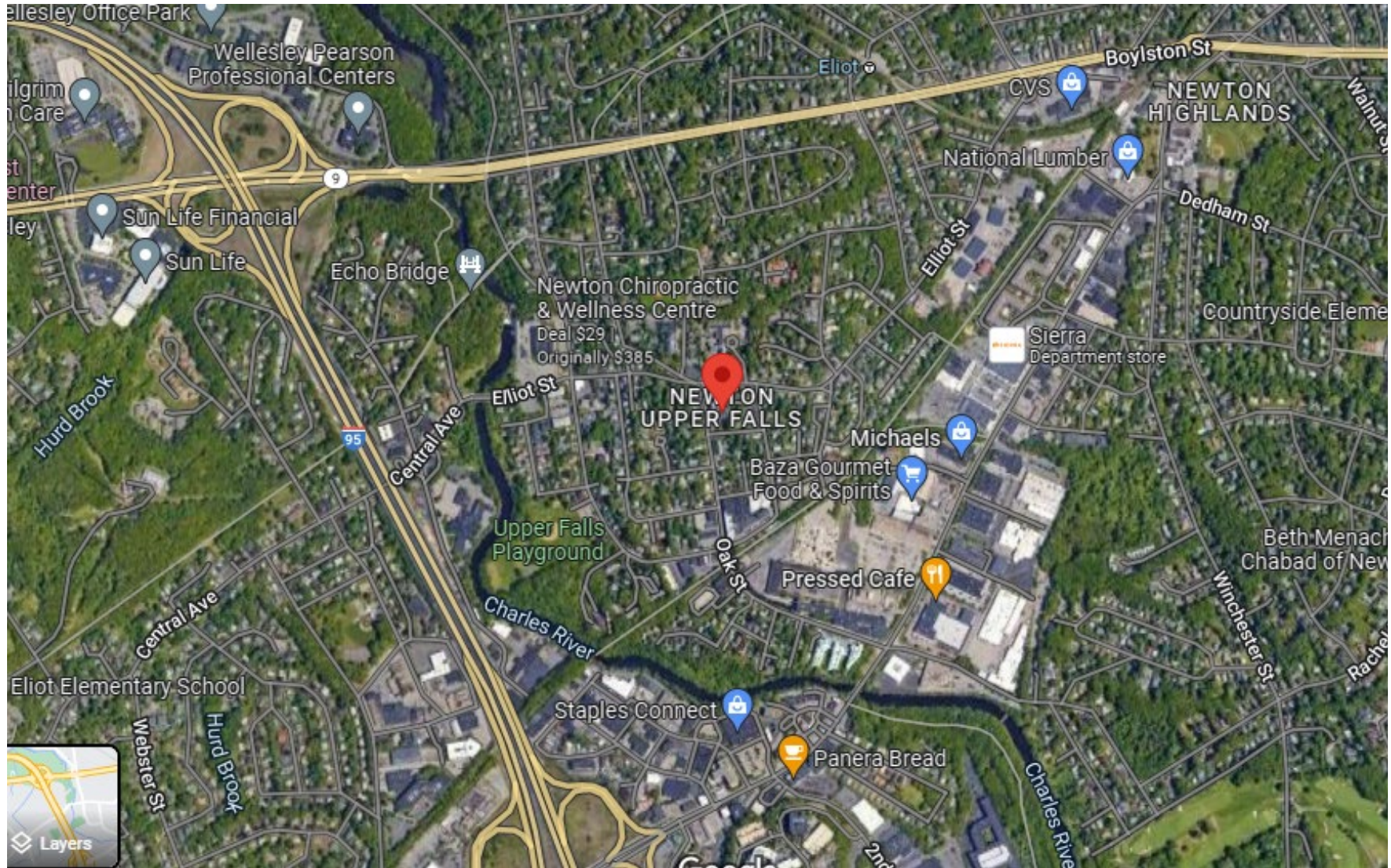
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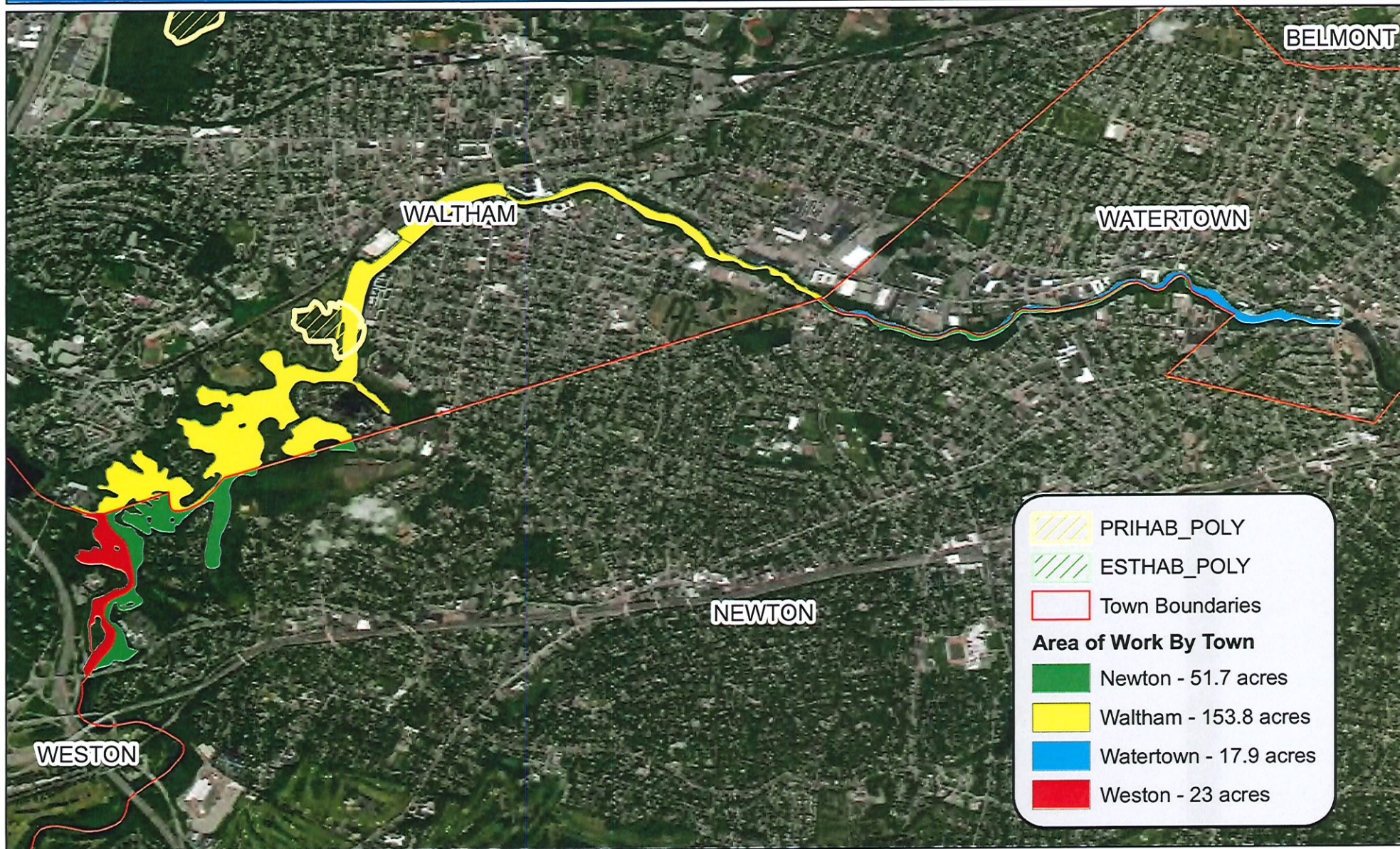
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DCR Charles River

02 DCR Charles River

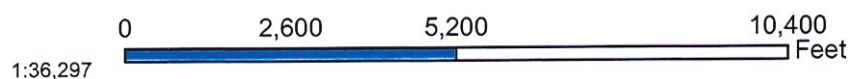




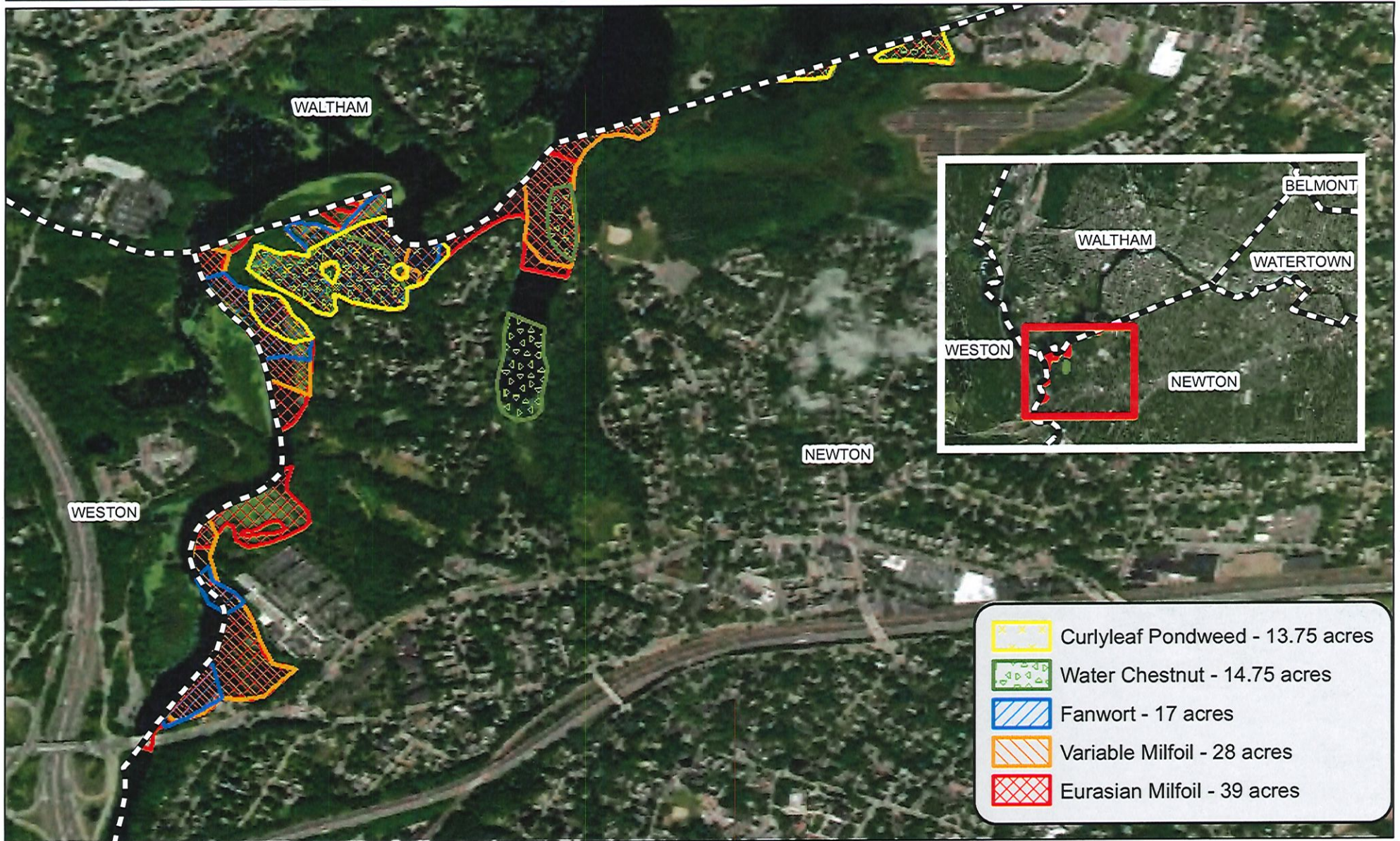
Charles River
Weston, Newton
Waltham, Watertown, MA
[Middlesex/Suffolk County]



Charles River



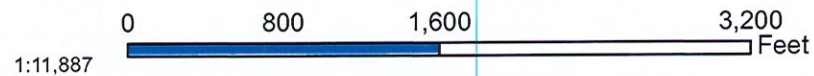
Map Date: 2/16/2022
Prepared by: DMM
Office: Shrewsbury, MA



Charles River
Weston, Newton
Waltham, Watertown, MA
[Middlesex/Suffolk County]



Charles River



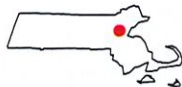
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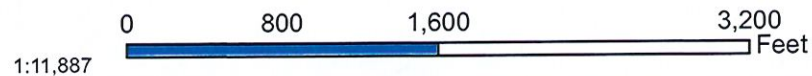
Map Date: 1/25/2022
Prepared by: DMM
Office: Shrewsbury, MA



Charles River
Weston, Newton
Waltham, Watertown, MA
[Middlesex/Suffolk County]



Charles River



Map Date: 1/25/2022
Prepared by: DMM
Office: Shrewsbury, MA

May 2, 2022

Via email

Newton Conservation Commission
1000 Commonwealth Ave
Newton, MA 02459
jsteel@newtonma.gov

Re: Charles River Aquatic Plant Management Notice of Intent (NOI)

Dear City of Newton Conservation Commissioners,

On behalf of Charles River Watershed Association (CRWA), we write to provide input on the proposed plans to manage aquatic plants in the Charles River. CRWA is one of the country's oldest watershed associations, dedicated to the protection and restoration of the Charles River and its watershed. We appreciate the important work you do as Conservation Commissioners to protect local water resources, including the Lakes District of the Charles. CRWA has reviewed the Aquatic Plant Management Notice of Intent (NOI) submitted to the Conservation Commission by the Department of Conservation and Recreation (DCR) and we offer the following comments.

Overall, CRWA is supportive of DCR's dedication and attention to addressing invasive plant growth in the Lakes District of the Charles River. CRWA has worked closely with DCR to provide input on the proposed plans. While CRWA strongly prefers holistic watershed invasive plant management approaches, including the use of nature-based solutions, we understand that integrated management interventions are occasionally necessary in our highly developed watershed to support recreation and enjoyment of our water resources. The full Aquatic Plant Management plan offers both immediate plant reduction strategies and a longer-term management strategy with external watershed management recommendations. We look forward to partnering with DCR on their Aquatic Plant Management program over the next several years to tackle this important issue.

We support the approval of DCR's Aquatic Plant Management Program

While CRWA is a strong proponent of watershed-scale management to prevent invasive plant infestations, we acknowledge that already well-established invasive plant populations must be directly managed as well, as is the case in the Lakes District. CRWA agrees with DCR and its consultants at SOLitude Lake Management that the best approach to addressing the current invasive plant growth in the Lakes District is through an integrated management plan utilizing monitoring, mechanical harvesting, and prudent use of U.S. EPA/MA Department of Agricultural Resources (MDAR)-registered herbicides.

We are committed to working with DCR throughout the process to review detailed plans on the application of herbicide treatment as the logistics and details are confirmed. This will

02 DCR Charles River

include specific details about how and when certain dosages are applied and specific surface water quality monitoring protocols that will be implemented during application in order to reduce harm to the aquatic ecosystem and recreation. We support DCR's plans to alert the public, and specifically boathouses, of this information with direct communication and informational signs, and look forward to continued collaboration with DCR to implement a strong line of communication with the public.

We support the use of the herbicides ProcellaCOR (florpyrauxifen-benzyl) and Sonar (Fluridone) in the Charles River where necessary. To our knowledge, the aforementioned herbicides have minimal negative impacts to non-target native plants and the Charles River ecosystem, and are effective at reducing invasive vegetation in the river. We also support the use of mechanical harvesting of water chestnuts, including hand pulling, in the Charles River.

We do not support the use of Diquat (Tribune) due to the recent application of the chemical in the Mystic River that resulted in a cyanobacteria bloom. Most pertinent to our work to improve water quality in the Charles, as a contact herbicide, Diquat leaves behind decomposing plant matter that releases phosphorus and increases biological oxygen demand. DCR has been receptive to our recommendations to avoid Diquat and has not included it as a management strategy for the Charles River.

Algaecides, such as a copper or peroxide-based treatment, have been proposed as a part of this Aquatic Plant Management program. CRWA recommends that use of these algaecides be limited to applications that protect the health and safety of those applying herbicides. As one of the main negative impacts of aluminum treatment is the immediate toxic effects on the ecosystem, we do not support unnecessary broader application of algaecide to mitigate the effects of cyanobacteria blooms in tandem with this program. DCR has also been receptive to this recommendation and has agreed not to apply algaecides without full agreement between DCR and CRWA.

CRWA is committed to working with DCR to establish monitoring protocols around the application of the approved herbicides. CRWA agrees with the Division of Marine Fisheries that there should be water quality monitoring if herbicides are applied within the peak fish spawning time period. We will work with DCR to recommend monitoring, including testing pH, dissolved oxygen (DO) levels, temperature, and turbidity.

Watershed Nutrient Management

CRWA sees holistic watershed nutrient management and the use of nature-based approaches as an essential part of this project. Without this critical component, the herbicide treatments will be useless in managing long-term invasive plant growth in the Charles River. Without addressing higher nutrient loads, as climate change progresses, water temperatures rise, and stormwater runoff worsens with increased precipitation, invasive plant growth will continue at an aggressive rate and ongoing, increased herbicide application will be necessary.


Because of this, CRWA encourages the City of Newton to make aggressive progress on external watershed nutrient management plans. We are pleased that both DCR and the City of

02 DCR Charles River

Newton are working to comply with their MS4 permits, which will help address the root cause of invasive plant growth.

Overall, we have been impressed by the DCR team's motivation and focus to push this project forward, and strongly support the Aquatic Plant Management program proposed. We look forward to working with DCR to help implement these plans, and offer our help to implement management strategies collaboratively and creatively. We are deeply committed to the success of this project, and look forward to working in partnership with DCR and the City for years to come.

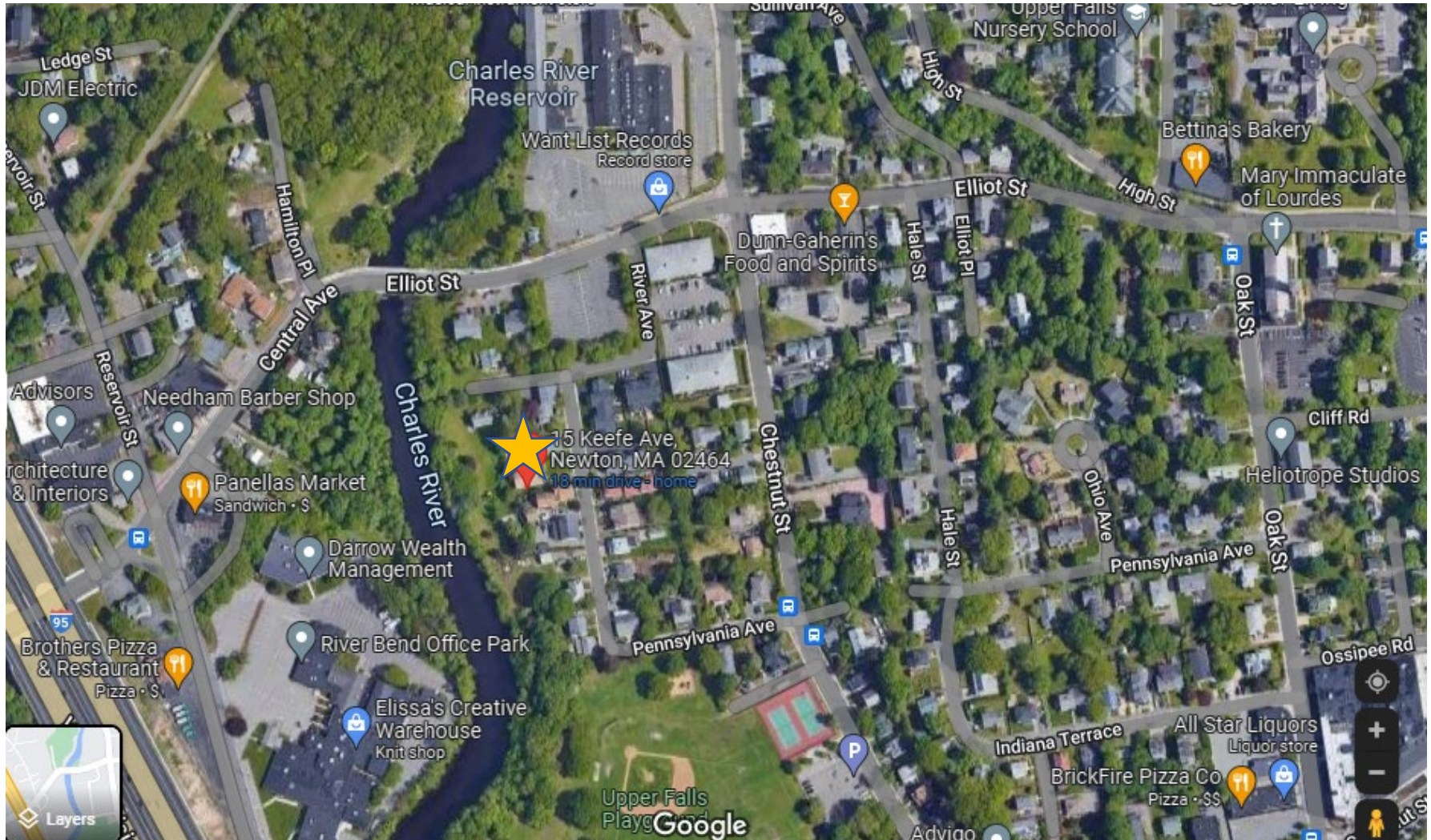
Sincerely,

A handwritten signature in black ink that reads "Lisa K. Kumpf". The signature is written in a cursive, flowing style.

Lisa Kumpf, River Science Project Manager

15 Keefe Ave

03 Keefe Ave



**Work Description for
15 Keefe Avenue – Newton Massachusetts
May 1, 2022**

General: The applicant is proposing to add a second story to the existing single-family house at 15 Keefe Avenue. The area of the proposed work is within 10 feet of the existing house on 3 sides. The applicant is also proposing to connect to the gas service in the street. This would require installing a new gas line that will cross the front lawn between the house and the street.

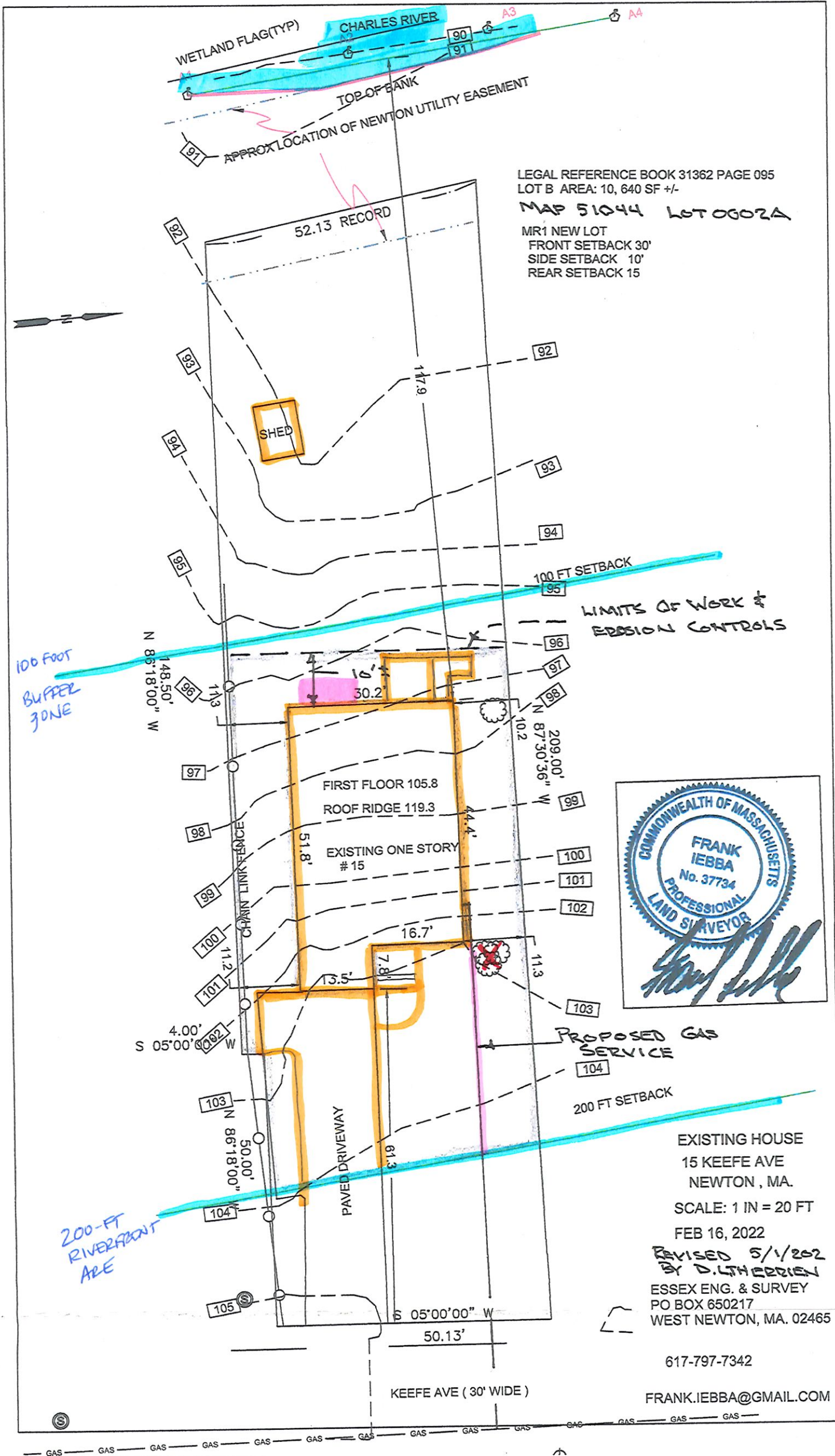
The 15 Keefe Avenue property is located adjacent to the Charles River with the house and most of the lot in Riverfront area. The location of the proposed work is all within the 100-foot to 200-foot buffer, no work is being proposed between the Charles River and it's 100-foot buffer

Proposed Work: Construction of the second floor will be done from the front of the house, using the lawn and driveway as staging and laydown area. Access for construction will be from Keefe Avenue.

The proposed site work includes:

1. Installing erosion control (limits of work) to the rear of the property.
2. Removing vegetation as need around the house to allow installing staging, for the proposed work.
3. Removing the existing roof.
4. Construction material will be placed in a dumpster and removed from the site and disposed at an approved location.
5. Construct a second floor and new roof.
6. Install new gas line from Keefe Avenue.
7. Install a small paved area out side the sliding door in the walk out cellar.
8. Once construction Is complete landscape area around the house with plants, shrubs and grass

Environmental Controls: Prior to start of construction siltation and erosion controls will be installed between the work area and the 100-foot buffer as shown on the attached plan. All siltation and erosion controls will be maintained in-place until all disturbed areas have been stabilized.



Revisions:

Plan was revised May 1, 2022 by David L. Therrien for the Notice of Intent filing

Revisions included:

1. Map and Lot information was added
2. Limits of proposed work were added
3. Location of proposed erosion controls was added
4. Location of proposed gas service was added

04 17-19 Dunstan St

17-19 Dunstan

Restoration/mitigation area shrinking over time – bounds and iron pipe not readily visible



12/8/20



5/10/22

CONSERVATION COMMISSION MINUTES

Date: Thursday, April 28, 2022

Time: 7:00pm

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

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

Members Present: Susan Lunin (Vice-Chair), Leigh Gilligan, Kathy Cade, Jeff Zabel, Ellen Katz, Judy Hepburn (left at 8:25) and Associate Member Sonya McKnight (present for part of the meeting)

Members Absent: Dan Green (Chair)

Staff present: Jennifer Steel, Ellen Menounos

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

DECISIONS

A. WETLANDS DECISIONS

1. 17 Brandeis Rd – NOI (cont'd) – SFH 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. 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.
 - Applicants addressed all staff and Commission's remaining concerns in revised plans
 - Eliminated the hot tub;
 - Relocated the patio to the south so it will be completely outside the 25' Buffer Zone;
 - The 25' Buffer Zone west of the Enhancement Planting Area, in the area where the patio and hot tub were originally proposed, is proposed to be lawn;
 - The mature hemlock will be cut, but a 6" caliper white spruce has been added in the front yard;
 - The proposed impervious area has been reduced from 3,479 sf to 3,426 sf;
 - The net gain of flood storage on the site has increased from 4,878 cf to 4,918 cf;
 - The Enhancement Planting Area has larger saplings to address the Tree Warden's planting requirements and the saplings have been moved to remove the white spruce from the easement and move the red oak away from the existing off-site tree.
- Vote. Close the hearing and issue an OOC. [Motion: Cade; Second: Gilligan; Roll-call vote: Lunin (aye), Gilligan (aye), Katz (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 6:0:0]
 - No fence has been proposed and no fence is hereby approved under this order.
 - The portions of the house and decks built on pilings shall not be enclosed in violation of the Conservation Commission's policy with lattice, screen, lath or covering of any sort that covers more than 50% of the area of any opening, and/or has openings/holes with any dimension less than 1 inch.
 - Landscape plantings within Commission jurisdiction must:
 - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - Be bounded, as shown on the plans, with bounds that are 1" iron pipes or 4"x4"x36" stone or concrete posts with instructive language regarding protection and with at least 6" above grade.
 - Have a survival rate of 100 % of total number of trees (after 2 growing seasons)
 - Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons)
 - Mulch applications, shall diminish over time and eventually cease as shrubs spread.



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

**Contact
Information**
1000 Comm. Ave.
Newton, MA 02459

T 617/796-1120
F 617/796-1142

www.newtonma.gov

jsteel@newtonma.gov

- Mowing, dumping, storage of materials, and structures in the enhancement planting area are prohibited.
- If any trees intended to be protected close to the project area die within 2 years of the start of construction as a result of the 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 approved grading plans.
- No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Chief Environmental Planner.
- To protect wetlands and native plants, herbicides shall be applied only to poisonous or noxious plants or to the invasive plants identified in this Order. Herbicides shall be applied (by licensed applicator) in accordance with label instructions.
- To protect the full suite of benefits of area wildlife, and native insects and pollinators, pesticides shall only be employed to address invasive pests (such as wooly adelgid) that threaten the health of native plants. Pesticides shall be applied in accordance with labeled instructions and in a targeted manner.
- To protect the water quality of area wetlands, fertilizers shall not be applied within 25 feet of wetlands and only in moderation beyond that.
- 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 animal behavior
 - be switched off when not in active use
- To maintain the flood storage capacity of the site and to ensure that flood waters can flow freely under the permitted structure, the area(s) under the permitted structure(s) shall not be enclosed with lattice, screen, lath or covering of any sort that covers more than 50% of the area of any opening, and/or has openings/holes with any dimension less than 1”.

2. 24 Williams St – NOI – Single family home addition – DEP #239-918

- Owner/Applicant. Rue Miel, LLC
- Representative. Ellen Katz
- Request. Issue OOC.
- Documents in packets. Aerial photo, colored site plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. Riverfront Area
- Project Summary. 165 sf addition will be constructed, shed will be removed, asphalt driveway will be replaced with pervious paver driveway, arborvitae hedge will be removed, native landscape plantings will be installed.
- Presentation and Discussion.
 - As the project representative, Ellen Katz recused herself from this discussion item.
 - All work is in outer riparian area
 - Project is to modify home from a 2-bedroom to a 3-bedroom. It will result in a small net increase in impervious area
 - Pervious paver driveway will increase infiltration on site
 - Native planting plan is under development and will include a native pollinator garden in the front yard
- Vote. Close the hearing and issue an OOC with the following special conditions. [Motion: Zabel; Second: Cade; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Hepburn (aye); Vote: 5:0:0]
 - The driveway shall be converted to pervious pavers.
 - A mitigation and/or restoration planting plan, designed and maintained to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check, must be presented to the Conservation Office for review and approval and must:
 - Include 1 native understory tree, if the Carolina fringetree does not survive the construction
 - Include 4 native shrubs
 - Include native spreading herbaceous/groundcover plants as “green mulch”
 - Landscape plantings within Commission jurisdiction must:
 - 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 the 1 tree (after 2 growing seasons)
 - Have a survival rate of 100 % of the 4 shrubs (after 2 growing seasons)
 - Have complete coverage by the other herbaceous plants (after 2 growing seasons)

- If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the 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).
- To protect wetlands and native plants, herbicides shall be applied only to poisonous or noxious plants or to the invasive plants identified in this Order. Herbicides shall be applied (by licensed applicator) in accordance with label instructions.
- To protect the full suite of benefits of area wildlife, and native insects and pollinators, pesticides shall only be employed to address invasive pests (such as woolly adelgids) that threaten the health of native plants. Pesticides shall be applied in accordance with labeled instructions and in a targeted manner.
- To protect the water quality of area wetlands, fertilizers shall not be applied within 25 feet of wetlands, and only in moderation beyond that.
- 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 animal behavior.
 - be switched off when not in active use.

3. 152 Suffolk Rd – NOI cont’d – backyard pool, sports court, and patio – DEP #239-911

- Owner/Applicant. Yelena Dudochkin (not present)
- Representative. Mark Arnold, Goddard Consulting; Marc Mazzarelli, Landscape Architect
- Request. Issue OOC.
- Documents in packets. colored plan sheets (revised 4-11-22 and 4-7-22)
- Additional documents presented at meeting. Site photos
- Jurisdiction. Riverfront Area, BVW, Buffer Zone
- Project Summary.
 - Within RFA: construct a 20’x40’ swimming pool, patio, retaining wall, 6’ metal and cedar post fence, and plantings. Total new impacts to the outer riparian zone will total ± 1,281 sf.
 - Within BZ to BVW: construct a 30’x60’ sports court with retaining walls, and 6’ fence.
 - Overall: remove 20 mature trees (some of which are ailing or dead), grade, and install mitigation and enhancement plantings (25 canopy trees, 38 understory trees, shrubs).
- Presentation and Discussion.
 - Revised plans addressed staff and Commission comments and concerns:
 - 8 NDZ boundary markers have been added and spaced approximately 25-30’ apart
 - Conservation seed mix areas are shown on plans and in notes.
 - Tree removal/compensation lists updated b/c tree #33 moved from “dead” to “poor” category.
 - Grading disturbance has been reduced at slope east of proposed sports court to address concerns about runoff to adjacent property
 - Temporary access route for tree transplants has been revised to avoid tree conflicts.
 - Civil engineering plans have been revised to comport with landscape plans.
 - Stormwater plans and assessment have been revised to be more accurate.
 - Fence should not damage or impinge on trees (especially tree #25 and tree #9)
 - The Commission reviewed the proposed tree planting list and discussed the need for oaks or hickories or other canopy trees of high wildlife habitat value. The applicant team asked to forgo oaks because of allergy issues, but agreed to substitute 2 hickories for 2 river birches.
 - The Commission reviewed the proposed shrub planting schedule, Conservation seed mix areas, and mulch areas.
 - Staff concerns about soil disturbance in the wooded area beyond the NDZ line resulted in the Commission conditioning the use of Conservation seed mix in all disturbed areas.
 - The laydown area is on a very steep slope – it will need to be reconsidered during construction.
 - On the civil engineering plan sheet (2 of 6) the erosion control line is annotated as “Proposed Silt Fence (12” Compost Sock)”. Erosion controls will be conditioned to be “Entrenched Silt Fence and staked 12” Compost Sock.”
 - Based on staff concerns, the western infiltration system was moved to provide appropriate separation from groundwater, modified to include an impervious barrier, and modified to improve the location of the inlet.
- Vote. Close the hearing and issue an Order of Conditions with the following Special Conditions [Motion: Zabel; Second: Cade; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Katz (aye), Hepburn (aye); Vote: 6:0:0].

- No heavy equipment may pass beyond the erosion control line and/or the snow fence except for access with small, tracked machines, if necessary, for identified tree transplants within the NDZ. Otherwise access beyond the snow fence shall be limited to foot traffic only and hand equipment only.
- An Operations and Maintenance Plan for the infiltration systems must be developed, submitted to the Conservation Office for review and approval, and recorded at the registry of deeds to document and apprise future owners of the requirements for system maintenance.
- All work beyond the erosion control line/limit of grading and all planting within jurisdictional areas must be supervised by a wetland scientist or landscape architect to prevent unpermitted disturbance or impacts to jurisdictional areas.
- Erosion controls shall be entrenched silt fence and staked 10-12" compost sock.
- Snow fencing will be staked, stapled, 4' tall snow fence that remains visible and intact throughout construction.
- Installation of the perimeter privacy fencing shall not impinge upon or harm mature trees, native shrubs, or saplings
- Landscape plantings within Commission jurisdiction must:
 - Be installed in compliance with the approved plans with the exception that 2 native hickory trees shall be substituted for 2 river birches. Any other desired changes must be approved by the Conservation office in advance.
 - Have a survival rate of 80 % of the total of 63 trees (after 2 growing seasons)
 - Have a survival rate of 80 % of total of 77 shrubs (after 2 growing seasons)
 - Have a survival of 100 % coverage of the New England Conservation/Wildlife Seed Mix areas
 - All disturbed areas within the NDZ shall be stabilized with the New England Conservation/Wildlife Seed Mix
 - The site shall be monitored for invasive plant growth for the duration of the Order of Conditions. All invasives will be removed and/or treated during that timeframe. Two annual monitoring reports shall be given to the Conservation Office in a timely manner.
 - Mowing shall be limited to designated lawn areas.
- Bounds shall be installed as per the approved plans and shall be and remain exposed at least 6" above grade.
- If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the 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).
- The stormwater infiltration system must be installed as per the approved plans.
- The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.
- To protect wetlands and native plants, herbicides shall be applied only to poisonous or noxious plants or to the invasive plants identified in this Order. Herbicides shall be applied (by licensed applicator) in accordance with label instructions.
- To protect the full suite of benefits of area wildlife, and native insects and pollinators, pesticides shall only be employed to address invasive pests (such as wooly adelgid) that threaten the health of native plants. Pesticides shall be applied in accordance with labeled instructions and in a targeted manner.
- To protect the water quality of area wetlands, fertilizers shall not be applied within 25 feet of wetlands, and only in moderation beyond that.
- 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 animal behavior
 - be switched off when not in active use
- The bounded No Disturbance Zone shall be maintained in its predominantly natural condition in perpetuity. Mowing shall be limited to designated lawn areas.
- The Operations and Maintenance Plan for the infiltration systems must be adhered to.

4. 50 Buswell Park -- NOI – Landscaping – DEP #239-919

- Owner/Applicant. Aliza Goren and Adam Frankel
- Representative. John Rockwood, EcoTec, Inc, and Roger Washburn (landscape architect)
- Request. Issue OOC.
- Documents in packets. Aerial photo, colored site plans, planting plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. BZ to an intermittent stream (Hyde Brook)
- Project Summary.
 - Within 25 feet of the brook:
 - remove 1 14" diameter Norway maple, a large privet shrub, and oriental bittersweet and euonymus vines
 - prune 5 trees near the brook to create healthier branch structure

- plant 15 native shrubs of three species in two clusters, one on each side of the brook
- Between 25 and 50 feet of the brook
 - recent removal of a 30" diam. Norway maple deemed by the arborist to pose an imminent hazard
 - remove a large euonymus shrub
 - plant a Tulip Poplar (proximate to the removed Norway maple), an Alleghany serviceberry, and 2 native shrubs
- between 50 and 100 feet of the brook
 - remove 0.75 cubic yards of soil to install 210 sf of porous bluestone path and hand rail
 - connect 3 existing roof downspouts to perforated pipe in the stone beneath the porous bluestone path
 - install ~600 sf of sod to replace lawn damaged by the proposed work
 - replace 635 sf of lawn with a predominance of native trees, shrubs, ground cover, and perennials (some ornamentals will be planted near the foundation).
 - modify existing irrigation system accordingly
- Presentation and Discussion.
 - The project seems very reasonable and will not diminish the functions and values of the stream Bank or City Flood Zone.
 - The few non-natives proposed within the Buffer Zone are not invasive and do not constitute a threat.
- Vote. Close the hearing and issue an Order of Conditions with the following Special Conditions [Motion: Cade; Second: Hepburn; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Katz (aye), Hepburn (aye); Vote: 6:0:0].
 - Landscape plantings within Commission jurisdiction must:
 - 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 of 2 trees (after 2 growing seasons)
 - Have a survival rate of 80 % of total of 35 native shrubs (after 2 growing seasons)
 - If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the 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).
 - To protect wetlands and native plants, herbicides shall be applied only to poisonous or noxious plants or to the invasive plants identified in this Order. Herbicides shall be applied (by licensed applicator) in accordance with label instructions.
 - To protect the full suite of benefits of area wildlife, and native insects and pollinators, pesticides shall only be employed to address invasive pests (such as wooly adelgid) that threaten the health of native plants. Pesticides shall be applied in accordance with labeled instructions and in a targeted manner.
 - To protect the water quality of area wetlands, fertilizers shall not be applied within 25 feet of wetlands and only in moderation beyond that.

5. 275-281 Needham St., 55 Tower Rd., and 156 Oak St. (Northland) – NOI – Park Development around South Meadow Brook -- DEP #239--921

- Owners. Needham Street Associates (Arthur Friedman, Trustee), Northland Tower Investors, Northland Oak Street LLC
- Applicant. Kent Gonzales, Northland Development, LLC
- Representatives. Christopher Wagner (wetland scientist, VHB), Curtis Quitzau (civil engineer, VHB), Alan Schlessinger (attorney), Genevieve Burke (stormwater engineer), Chris Fee (landscape architect, Stantec)
- Request. Issue COC.
- Documents in packets. Aerial photo, colored site plans
- Additional documents presented at meeting. Slide deck by applicant, site photos
- Jurisdiction. Riverfront Area, Bank, Buffer Zone, City Flood Zone
- Project Summary.
 - This is a portion of the redevelopment of 22.6 acres of vacant industrial land into a large mixed-use development – the Riverfront Area associated with the daylighted portion of South Meadow Brook.
 - The proposed project will impact 70,666 sf of RFA (34,545 sf in the inner riparian and 36,121 sf in the outer riparian zone. Proposed work includes:
 - Construction of buildings, roadways, bike paths, pedestrian footpath and seating areas, and stormwater management features.
 - The Commission’s 25-foot Naturally Vegetated Buffer and the Commission’s Tree Replacement Guidelines have been acknowledged and will be respected. “Tree and shrub removal from within the NVB and 100’ buffer is exclusively for removal of invasive species and restoration.”
 - Selective removal of invasives, removal of impervious surfaces, stabilization and restoration or degraded areas.

- Installation of native plantings.
- Disturbed areas will be stabilized by seeding with native meadow mix.
- The Project will:
 - Approximately 15,000 sf of impervious surface will be removed from the RFA adjacent to South Meadow Brook. Temporary disturbance in the Buffer Zone and Riverfront Area will be stabilized and restored with native trees, shrubs, and grasses.
 - Improve drainage and stormwater treatment within the Riverfront Area.
- A clear limit of work will be identified and erosion and sedimentation control areas will be installed throughout the Project Site.
- Presentation and Discussion.
 - Judy Hepburn had to leave the meeting before this hearing opened.
 - Ellen Katz disclosed for the record that Alan Schlessinger is her legal counsel for an unrelated project. She stated that she could provide impartial review and decision making in regard to this application.
 - It turned out that Staff had not received or had not noticed receipt of the applicant team's responses to the staff comments in the detailed agenda for this meeting. Staff apologized for the oversight and indicated that they would review the responses provided.
 - The applicant team ran through a slide presentation illustrating proposed modifications within Commission jurisdiction.
 - The proposed stormwater management components will detain, retain, and treat stormwater, will reduce peak flows, and will reduce phosphorus by 65% (as required by the TMDL – total maximum daily load).
 - Overall, impervious area will be reduced by over an acre and ~1/4 acre within Commission jurisdiction.
 - Green roofs will be employed.
 - ~750 trees will be planted.
 - Rainwater will be harvested for irrigation.
 - 90% of parking will be underground so runoff will be relatively clean (and the site will not be a "LUHPPL" – land use of higher potential pollutant loading).
 - Erosion controls will have to be phased. The details of erosion control will be determined by the contractor (once selected) and so will need to be reviewed by the Conservation Commission and/or Office.
 - The team's intent is not to cut all invasive trees along South Meadow Brook (which might result in bank instability), but to do some selective cutting, debris removal, native planting, and overall slope enhancing.
 - There is cutting and grading proposed in the northwest portion of the wooded South Meadow Brook stream corridor to accommodate the pedestrian pathway and the grading associated with the entry road.
 - Discussion ensued.
 - There was concern noted about the extent of mature trees to be cut to accommodate the park/pathway.
 - There was concern noted about the difficulty of planting on a steep, debris-filled, Norway-maple-dominated slope.
 - The proposed work for the "Mill Park" is not jurisdictional, because the perennial stream is currently entirely within a covered culvert that is over 200 feet long, but the Commission has an interest in protecting the water quality and flow characteristics of the perennial stream within the culvert, and so will discuss and possibly condition work associated with modifications to the culvert.
 - The applicant was asked about ownership of and responsibility for the culvert. Quitzau replied that the City owns the culvert and so is responsible for its maintenance. He noted that it was CCTVd in 2017 and the video made available to the City, but to date there had been no response from the City.
 - The applicant was asked about the intended dog park and garden area near the stream, with a concern about herbicides and pesticide use so close to the wetland resource area.
 - One Commissioner asked that the applicant team present a truly thoughtful planting plan for the stream side, with a goal of bank stability, noting that the Norway maples are failing. She suggested considering cottonwood trees as an example of native trees known to provide bank stability.
 - Conclusions/Next Steps
 - Proposed infrastructure and trees to be saved will be flagged in the field in advance of a site visit scheduled for 5/12/22 at 2:30 pm.
- Vote. Continue the hearing to 5/19/22 for staff to review the applicant's response memo and the 5/12/22 site visit. [Motion: Katz; Second: Gilligan; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Katz (aye), Vote: 5:0:0]

6. 194 Otis St. -- NOI – After-the-fact filing for landscaping – DEP #239-920

- Owner/Applicant. Fernando Alves, Alfon Properties Corp. (not present)
- Representative. John Rockwood, EcoTec, Inc.

- Request. Issue OOC.
- Documents in packets. Aerial photo, colored site plans, planting plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. BZ to an intermittent stream
- Project Summary.
 - Much of the proposed work on the subject site (addition, grading, landscaping, concrete washout, stockpiling) is outside the Buffer Zone
 - Within the Buffer Zone
 - no structures or impervious surfaces are proposed within the 100' Buffer Zone.
 - removal of all excess fill, removal of the pile of boulders and concrete rubble, and removal of the existing patio
 - removal of one 8" tree (flush cut, with stump ground) adjacent to the 36" eastern white pine
 - top-dressing with high quality loam and seed, hydroseed, or sod for lawn
 - staggered screening planting of 11 eight-foot-tall white spruce (*Picea glauca*) mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf litter and natural colored bark mulch
 - installation of a 40'x2'x2' fabric-lined stone trench
 - The entire 25' Naturally Vegetated Buffer Zone, and additional square footage on the site, will be renaturalized with the creation of a 720± square foot enhancement planting area with 5 native saplings of 2 species and 30 native shrubs of 5 species. Renaturalization shall include invasive species removal and treatment for 2 years after planting has been completed.
- Presentation and Discussion.
 - Following a call about unpermitted tree cutting and grading, Staff issued a stop work order and required delineation and a permit application.
 - The Commission felt that the plans were complete and appropriate to rectify the unpermitted work, improve the ecological health of the inner buffer zone, and protect the health of the adjacent, off-site wetland.
- Vote. Close the hearing and issue an Order of Conditions with the following Special Conditions. [Motion: Gilligan; Second: Zabel; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Katz (aye), Vote: 5:0:0]
 - Trees along the eastern property line may not be harmed by the construction or landscaping activities (e.g., grading, compaction, or direct impact).
 - Landscape plantings and bounds within Commission jurisdiction must be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance) and must:
 - Have a survival rate of 100 % of total of 16 trees (after 2 growing seasons)
 - Have a survival rate of 100 % of total of 30 shrubs (after 2 growing seasons)
 - Within the enhancement planting area, mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
 - Erosion controls shall be entrenched siltation fence fronted by 12" compost sock within the 100' Buffer Zone
 - The trees along the eastern site boundary will be protected by the proposed erosion control barrier and the area beneath these trees will be mulched with 3" of 4:1 mixture of decomposed leaf litter and natural colored bark mulch.
 - The trees along the southern site boundary will be protected with orange snow fencing staked well away from the trunks and the area beneath these trees will be mulched with a 3" of 4:1 mixture of decomposed leaf litter and natural colored bark mulch.
 - If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the 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).
 - The stone infiltration trench must be installed as per the approved plans and must be indicated on the as-built plans. No fabric shall be placed on top of the stone of the infiltration trench.
 - To protect wetlands and native plants, herbicides shall be applied only to poisonous or noxious plants or to the invasive plants identified in this Order. Herbicides shall be applied (by licensed applicator) in accordance with label instructions.
 - To protect the full suite of benefits of area wildlife, and native insects and pollinators, pesticides shall only be employed to address invasive pests (such as wooly adelgid) that threaten the health of native plants. Pesticides shall be applied in accordance with labeled instructions and in a targeted manner.
 - To protect the water quality of area wetlands, fertilizers shall not be applied within 25 feet of wetlands and only in moderation beyond that.

7. Revising the Commission's standard perpetual herbicide and pesticide conditions.

- Discussion. The Commission’s current standard perpetual conditions (immediately below) categorically disallow the use of herbicides and pesticides and are difficult, if not impossible, to enforce. Perpetual conditions are, however, valuable educational tools and can help improve overall ecological health of Newton’s wetland resource areas. Commissioners agreed that revised language would be an improvement.
 - 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 wildlife, and native insects and pollinators, no pesticides shall be used.
 - To protect wetlands, no herbicides shall be used.
- Consensus. Adopt the following language as the standard starting point for site/application specific discussions.
 - To protect wetlands and native plants, herbicides must be applied (by a licensed applicator) in accordance with label instructions and only to poisonous or noxious plants that pose health risks to the safety and health of the general public, employees and contractors who may have dermal contact or to the invasive plants identified in this Order.
 - To protect the full suite of benefits of area wildlife, and native insects and pollinators, pesticides shall only be employed to address invasive pests (such as wooly adelgid) that threaten the health of native plants. Pesticides shall be applied in accordance with labeled instructions and in a targeted manner.
 - To protect the water quality of area wetlands, fertilizers be used in moderation and shall not be applied within 25 feet of wetlands.

B. CONSERVATION AREA DECISIONS

8. Ira Wallach Trail needs staking.

- Staff will set a date with Green for a site visit to install stakes and trail blazes.

C. 9:55 – ADMINISTRATIVE DECISIONS

9. Minutes of 3/31/22 to be approved

- Documents in packets. Draft 3/31/22 minutes as edited by Green
- Vote. Approve the 3/31/22 minutes as edited by Green. [Motion: Katz; Second: Gilligan; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Katz (aye), Vote: 5:0:0]
- Next volunteer? Katz volunteered to review the 4/28/22 minutes

D. ISSUES AROUND TOWN DECISIONS – none at this time

- Stream name signs. Signs will actually cost \$250 each for fabrication and installation.
- Vote. Staff should proceed to work with DPW to fabricate and install 8 stream name signs in the following locations as a pilot program. [Motion: Lunin; Second: Zabel; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Katz (aye), Vote: 5:0:0]

Cheese Cake Brook	@	Watertown St
Laundry Brook	@	Walnut St
Hammond Brook	@	Centre St
South Meadow Brook	@	Oak St
South Meadow Brook	@	Winchester St
South Meadow Brook	@	Dedham St.
Paul Brook	@	Parker St
Saw Mill Brook	@	Vine St

UPDATES

E. WETLANDS UPDATES and ADMINISTRATIVE UPDATES – none at this time

F. CONSERVATION AREA UPDATES

- Annual Land Management Contract. The bid request was posted on 4/13/22, a pre-bid meeting was held (but with no bidders in attendance) on 4/21/22. The bid opening has been extended to 5/12/22 to allow for corrections to the text and an extended opportunity for new bidders to engage.
- Rohan Martin Peters will re-do trail by cliffs in the NW corner of Webster Conservation Area.
- Staff submitted an earmark application to fund the Christina Street Rail Bridge.
- Staff will submit a MassTrails grant application to fund the stairs connecting the Upper Falls Greenway with Upper Falls Riverwalk.

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

10. Commissioner terms

- Commissioners whose terms expired in 2022 and have “re-upped”: Green

- Commissioners whose terms are due to expire in 2022 and have expressed their intent to “re-up”: Katz (3 yrs), Gilligan (3 yrs)
- Commissioners whose terms are due to expire in 2023 and have expressed their intent to “re-up”: Cade, Lunin
- Commissioners whose terms are due to expire in 2022 and 2023 and have yet to commit: Hepburn and Zabel

11. Earth Day - recap

- Menounos created a “Conservation” booth and spent the entire “festival” (1-4 pm) fruitfully engaging with residents. She suggests that next year Commissioners sign up to assist and join in the fun.

12. Peer Review Process

- Commissioners inquired about the process that would need to be undertaken should they determine during the Northland Development site visit on 5/12/22 to require a peer review of the proposed stream bank restoration and park development. Staff summarized the process and indicated that they would apprise the Northland applicant team of this potential.

H. ADJOURN Vote. Adjourn at 10:19 [Motion: Gilligan; Second: Zabel; Roll-call vote: Lunin (aye), Gilligan (aye), Cade (aye), Zabel (aye), Katz (aye), Vote: 5:0:0