

# CONSERVATION COMMISSION AGENDA

Date: Thursday, June 9, 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](mailto: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. CONSERVATION AREA DECISIONS

#### 1. 7:00 – Eagle Scout project completion, Dolan Pond pollinator gardens

- Owner/Applicant: Conservation Commission
- Representative: Ryan Lin, Eagle Scout candidate
- Request: Approve project completion
- Jurisdiction: Flood Zone, Buffer Zone
- Staff Notes: The project had to be scaled back from 3 sites to 2 because of Japanese Knotweed. Staff will work with the new Land Managers to address invasives at multiple sites.
- Staff Recommendations: Accept the project as complete.

#### 2. 7:15 – Eagle Scout project proposal, Webster Woods Cliff Trail, timber stairs

- Owner/Applicant: Conservation Commission
- Representative: Rohan Martin Peters, Eagle Scout candidate
- Request: Approve project proposal.
- Jurisdiction: Buffer Zone
- Staff Notes: Steel has made a preliminary site visit with Rohan and his father and feels that the stairs as proposed will enhance access and safety. Brush and fallen tree clearing are appropriate. Trail blazing should be incorporated.
- Staff Recommendations: Approve project proposal.

### B. WETLANDS DECISIONS

#### 3. 7:45 – 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.
- 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.



**Mayor**  
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Development**  
Barney Heath

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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](http://www.newtonma.gov)

[jsteel@newtonma.gov](mailto:jsteel@newtonma.gov)

- 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;
  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 RFA.
  - Proposed work within wetland jurisdiction includes:
    - Construction of buildings, roadways, bike paths, etc. in the outer RFA within a previously degraded footprint.
    - Installation of bioretention and infiltration areas.
    - Removal of ~15,000 sf of impervious surface from RFA.
    - Temporary disturbance (tree cutting and grading) in the Buffer Zone and RFA will be restored with native trees, and shrubs, and stabilized with seed mix. "Tree and shrub removal from within the 25-foot NVB and 100' buffer is exclusively for removal of invasive species and restoration."
  - 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.
- Staff Notes:
  - Staff await revised plans showing surveyed trees (over 12"), revised proposed tree cutting, grading changes, and planting plans.
  - After receipt of revised plans, another site visit, with new staking and flagging, will be arranged.
- Staff Recommendation. Be briefed on proposed changes, schedule another site visit, and vote to continue the hearing.

**4. 8:00 – 68 Brierfield – COC -- DEP #s 239-563**

- Owner/Applicant: Maxine Alcheck
- Representative: Joe Porter
- Request: Issue COC.
- Jurisdiction: Flood Zone
- Staff Notes: All required paperwork has been received. At site visit on 6/02/2022, drainage systems, grading, and retaining wall were in agreement with the approved plans and order.
- Staff Recommendations: Vote to issue a complete COC.

**C. 8:05 – ADMINISTRATIVE DECISIONS**

**5. Minutes to be approved**

- Documents in packets. Draft 5/19/22 minutes as edited by Jeff Zabel.
- Staff Recommendation. Vote to approve the 5/19/22 minutes.
- Volunteer. Who will volunteer to review the 6/9/22 minutes?

**D. 8:10 – ISSUES AROUND TOWN DECISIONS** – none at this time

**UPDATES**

**E. 8:10 – WETLANDS UPDATES**

- Pavilion at Newton Center Playground is under discussion
- Crystal Lake Left Beach is under discussion
- Albemarle Field reconstruction is under discussion
- Marty Sender Phase I will be under construction soon
- Library parking lot will be under construction soon
- The City has shifted to online permitting and the Conservation Office will try using eDEP for all NOI/OOCs

**F. 8:20 – CONSERVATION AREA UPDATES**

- Three benches to be donated for Norumbega overlook. Fence needed to protect slope.
- Trailhead signs are being redesigned and fabricated

**G. 8:25 – ADMINISTRATIVE UPDATES**

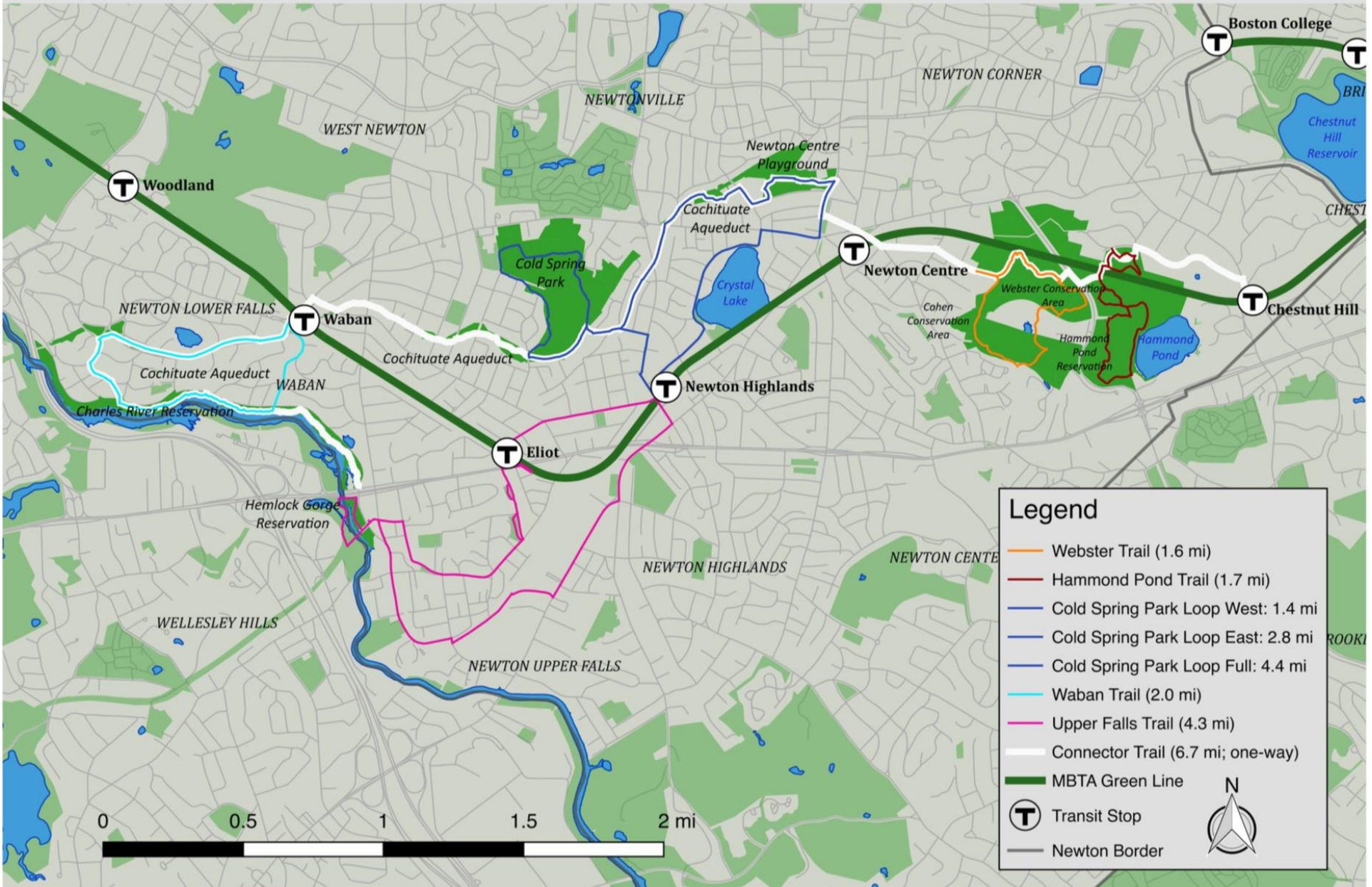
**H. 8:30 – ISSUES AROUND TOWN UPDATES**

- OSRP Trail Subcommittee is focusing on ACROSS trails.
- Commission members who volunteered to ground-truth ACROSS loops should report findings as soon as possible.

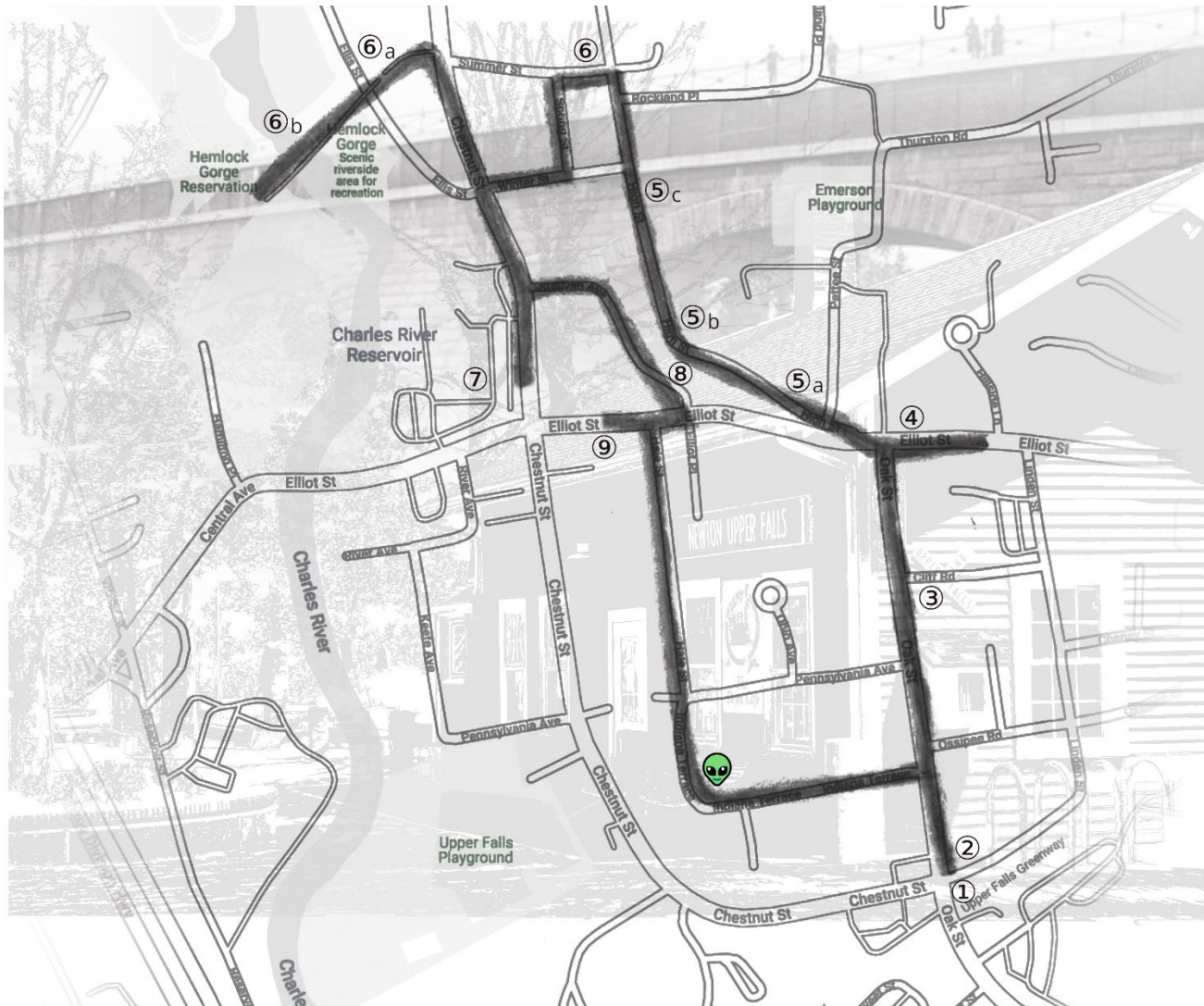
**OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING**

**ADJOURN**

# All proposed trails



# Upper Falls



1 - The Depot (1855)

2 - The Gamewell (Telegraph) building (1889)

3 - The stone barn (1838)

4 - Mary Immaculate of Lourdes church (1909)

5 - High St houses (1800s)

6 - Tzu Chi, formerly Methodist church (1827)

6A - Echo Bridge (1877)

6B - Hemlock Gorge Park (1893)

7 - The mill, Echo Bridge Antique Mall (1688 - 1912)

8 - Sullivan Ave pothole (10,000 BC)

9 - Dunn Gaherins / Pop-Up Market (1900)



- Alien Invasion (2522)

## CONSERVATION COMMISSION MINUTES

Date: Thursday, May 19, 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 Dan Green presiding as Chair.

**Members Present:** Dan Green (Chair), Susan Lunin (Vice-Chair), Kathy Cade, Jeff Zabel

**Members Absent:** Leigh Gilligan, Ellen Katz, Judy Hepburn, Associate Member Sonya McKnight

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

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

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### DECISIONS

#### A. WETLANDS DECISIONS

##### 1. 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
- Applicants present. Kent Gonzales, Northland Development, LLC; Chris Fee, Stantec; Alan Schleisinger, Atty
- Representatives present. Christopher Wagner and Curtis Quitzau, VHB
- Request. Discuss plan modifications based on recent site visit.
- Documents in packets. Nothing new. The site visit on 5/12/22 generated better understanding.
- Additional documents presented at meeting. Applicants shared slides showing site topography and staking seen at the site visit.
- Jurisdiction. Riverfront Area, Bank, Buffer Zone, City Flood Zone of South Meadow Brook
- 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.
- Presentation and Discussion – Communications with the applicant team and DEPs comments
  - Key communications between applicant team and staff were summarized.
    - Plan sheets will be modified to increase clarity
    - Staff noted the possible need for entrenched silt fences AND compost socks
    - Staff noted the need for a generalized phasing plan, 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



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**Associate  
Member**  
*Sonya McKnight*

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

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

[www.newtonma.gov](http://www.newtonma.gov)

[jsteel@newtonma.gov](mailto:jsteel@newtonma.gov)

reinforced silt fences as shown on Plan X. Phase III: Landscaping: Erosion controls will be relocated as shown on Plan Y; selective cutting of trees and planting of trees and shrubs as shown on Plan Z.”

- Staff noted concern that a “native meadow” immediately adjacent to a footpath/sidewalk may not be appropriate as it can be seen as “unkempt”, “messy”, and “tick habitat” and so will likely? become replaced with turf grass.
- Key findings of the site visit were summarized.
  - Existing trees over 12” will be shown on a base plan and along with species and health and which ones are proposed to be removed and which ones will need to be carefully protected in the field. 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.
  - Once detailed tree locations and breaks in the slope are better understood, the applicant team will “reverse engineer” the intended tree cutting and excavation of the old “ABC rubble” piles, and the proposed re-filling and tree and shrub planting to establish the “park” along South Meadow Brook.
  - There will need to be an ongoing invasive control program to ensure the health of the embankments of South Meadow Brook.
  - The work proposed in the culverted portion of the stream (i.e., “the waterfall”) will involve shoring, erosion control, debris control, etc.
  - The bio-retention 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 feet (units?).
  - The pipes that discharge to the stream will be left in place, but an entirely new stormwater system will be installed.
  - MassDEP questions were addressed by the applicants.
- Discussion ensued.
  - Steel noted that not all the area near the current entry drive and parking area is ABC rubble.
  - Quitzau noted that on the steep lower portions of the stream embankment, the intention would be to cut all Norway maples and install whips of native shrubs and seed mix.
  - Green asked whether more of the “waterfall” could be exposed. Quitzau explained that the interesting portion of the culverted stream would be visible.
- Next Steps
  - Steel will share “lessons learned” from the Newton Nexus invasives control efforts.
  - Quitzau will re-send illustrations of the plans for the waterfall area.
  - The trees have been surveyed and will be plotted.
  - Detailed grading around the trees will be added.
  - New cutting, grading, and planting plans will be developed.
  - Another site visit, with new staking and flagging, will be arranged.
- Vote. To continue to June 9, 2022. [Motion: Lunin; Second: Zabel; Roll-call vote: Cade (aye), Green (aye), Lunin (aye), Zabel (aye); Vote: 4:0:0]

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

- Owners. Priscilla Geigis, DCR
- Applicants present. Kara Sliwoski, DCR, Vanessa Curran, 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
- Presentation and Discussion.
  - **Project Overview.** The applicants presented a short slide show illustrating the project goals (increase open water habitat, improve water quality, increase native vegetation, and improve recreational access), the main invasive species (based on a May 2021 survey using a 423-point intercept grid), the target areas, etc.
    - 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 submersed non-native and invasive aquatic plants 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, increases biological oxygen demand that causes low dissolved oxygen events and fish kills.
- The project is an integrated program of: pre- and post-treatment 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 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**
  - Phase 1.
    - Shoreline signage will be placed in advance of every treatment.
    - Water chestnut. Harvester and hand-pulling will be employed. Launching and disposal will be in Waltham.
    - Milfoil, ProcellaCOR, a systemic herbicide will be used. It takes 3 weeks to affect death. Limited contact time is needed for efficacy.
    - Milfoil, fanwort, curly leaf pondweed, Fluridone/Sonar, a systemic herbicide will be used. It requires a long contact time (45-90 days), so slow-release pellets are often used.
  - 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.
      - Diquat (Tribune) for spot treatments. NOTE: CRWA is opposed to this chemical because of rapid plant death and possible cyanobacteria blooms.
    - Water chestnuts, Imazamox (Clearcast) Hand sprayed.
    - Fanwort, Flumioxazin (Flumigard) fast acting spot-applications.
    - Algae. ONLY if human health is at risk (e.g., cyanobacteria at Head of the Charles). Copper-based or peroxides algicides would be requested.
- **Logistics**
  - This OOC will replace the existing outstanding OOCs.
  - The project almost qualifies as an “Ecological Restoration Limited Project”.
  - 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 ...”.
- **Discussion**
  - Heather Miller, general counsel for CRWA, stated that CRWA is in support of this project.
  - Commissioners were supportive of the need for weed control.
  - Diquat will only be used if CRWA and the Conservation Commission approve its use.
  - Applicants noted that the herbicides were more effective against invasive species than native species at low doses, so that is how targeting is effected.
  - It was noted that DMF had not yet issued its Time of Year (TOY) restrictions letter, but that their restrictions would be binding.
  - It was noted that the portion of the river shown with no invasive species had not yet been surveyed, but was assumed to have many invasive plants.
  - Year one DCR will treat the Lower Basin (under the recent OOC) and mechanically harvest water chestnuts in the Lakes District. DCR will treat milfoil in the Lakes District with Sonar/ProcellaCOR (it works fast, so the TOY requirement for treating ~July 16-Aug 31 is okay, that restriction is not ideal for Fluridone, so they will have to use the slow-release pellets or ask for a TOY deviation).
  - Solitude will prioritize this project.
- Vote. To close the hearing and issue an Order of Conditions with the following Findings and Special Conditions. [Motion: Zabel; Second: Cade; Roll-call vote: Cade (aye), Green (aye), Lunin (aye), Zabel (aye); Vote: 4:0:0]

#### **Prohibited Activities**

21. As per the approved plans, neither vehicular/boat access nor weed stockpiling or dewatering shall occur within Newton.
22. In addition to hand-pulling and mechanical harvesting, this Order authorizes the use of only ProcellaCOR/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 algicide



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

23. Any weed management activities considered for the currently unsurveyed portion of the river in Newton (Farwell/North Street Bridge to Rustic Street/Forte Park), shall be based on survey results and presented to the Conservation agent for their review and approval prior to any management control efforts.
24. The DMF TOY letter must be submitted to the Conservation office.
25. Prior to the start of herbicide application, the Applicant must submit final 2022 application plans to Commission staff. Commission staff will determine whether there have been revisions made to the plans referenced in this Order significant enough to require further Commission review.
26. 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

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. "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:
  - a. 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.
  - b. appropriate mixing or storage of herbicide in the wetland resource areas
  - c. appropriate material storage (e.g., contained/stored so as not to enter the resource area)
  - d. appropriate limits to vehicle refueling, vehicle washing, etc.
  - e. appropriate litter management
  - f. appropriate controls for tire tracking
  - g. All practical best management practices must be implemented during in-water or waterside activities to minimize turbidity and other water quality impacts.
  - h. Deck gear and equipment stored on project-related vessels must be secured at the end of each workday and inspected for any leakage.
  - i. All project-related vessels must have a spill kit containing sorbent materials on the vessel at all times.
33. 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.
34. Pre-treatment report These reports must be given to ConCom on or before July 1<sup>st</sup> 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.
35. Herbicide Applications in General
- a. All applications 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.
36. ProcellaCOR Applications
- a. ProcellaCOR will be applied according to the approved calendar and abiding by DMF's TOY restrictions.
  - 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.
37. 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 fluoridone 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.
38. 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 hereby approved) and in a manner appropriate to management and control of that invasive species.
39. DMF's TOY restrictions. Any management activity, including the chemical treatment of nuisance vegetation, shall abide by the DMF's TOY restrictions. If required by DMF, any chemical treatments during the TOY restriction in the narrow stretch of the river along Nonantum Road shall be split over two years to protect against low dissolved oxygen events. If required by the DMF, the Applicant shall develop a monitoring plan in accordance with DMF requirements and shall submit said plan to Newton Conservation Commission Staff.
40. Water quality testing shall occur pre- and post- treatment each season according to DMF standards.
41. 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.

42. 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 423 point-intercept survey established during the 2021 survey effort with rake-toss collections made at each survey point.
43. Year-end reports outlining the results of all surveys/monitoring conducted, the management strategies employed and their outcomes, documented/observed non-target impacts, and future management needs/recommendations. This report shall be submitted to the Commission no later than December 31<sup>st</sup> each year the Order is valid.

### Conditions after Work has been Completed

44. 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. 15 Keefe Ave – NOI – second story addition on single family home -- DEP #239-924

- 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
- Project Summary. Second story addition on a single-family home, gas line installation.
- Presentation and Discussion.
  - The project is, on its face, simple but since it appears to be a developer’s project, the staff asked whether additional site improvements are planned.
    - The deck will be replaced in the same footprint.
    - The tangle of shrubs and vines behind the house will be removed.
    - The owner would like to remove dead trees on the riverbank
    - Staging will be required on the north, west, and south sides, so all vegetation on those sides will likely be removed.
    - The shed in rear yard will be removed
    - The driveway will be replaced in place and in kind
    - A new gas line will be installed.
  - Keefe Ave neighbor Barbara Saltzstein attended the hearing to comment that she hopes the open/undeveloped character of the riverfront area will be preserved, emphasizing that it is a wildlife area.
  - Green asked to see the architectural plans to better understand plans for the garage and driveway, overhangs, etc.
- Next steps.
  - The condition of the trees on the riverbank will need to be confirmed.
  - Revised plans will show the 100-year flood elevation, correct contours at the rear of the house, etc.
  - Applicant must provide a proposed landscape/planting plan.
  - Applicant must consider details of proposed or modified limit of work.
  - Applicant will provide house details
- Vote. To continue to June 30, 2022; plans should be received 10 days beforehand. [Motion: Cade; Second: Zabel; Roll-call vote: Cade (aye), Green (aye), Lunin (aye), Zabel (aye); Vote: 4:0:0]

### 4. 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
- Presentation and Discussion:
  - 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. Based on a site visit, staff noted that building and drainage details appear to be in compliance and that many of the restoration area plants have established successfully

- Staff visited the site and found that without readily visible bounds, the mitigation area has “shrunk” over time.
- Bounds were re-established by Mike Kosmo.
- Commissioners noted the importance of maintaining restoration/mitigation areas.
- Consensus: Staff will send a memo to the applicant, asking them to remove turf grass and re-establish the mitigation planting area to its full extent, and asking them to make bounds permanent and visible. After which, the Commission will issue a COC (without requiring plants to be in for 2 growing seasons.)

#### **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. CONSERVATION AREA DECISIONS** – none at this time.

#### **C. ADMINISTRATIVE DECISIONS**

##### **6. Minutes of 4/28/22 to be approved**

- Documents in packets. Draft 4/28/22 minutes as edited by Ellen Katz.
- Vote. To approve the 4/28/22 minutes. [Motion: Lunin; Second: Zabel; Roll-call vote: Cade (aye), Green (aye), Lunin (aye), Zabel (aye); Vote: 4:0:0]
- Jeff Zabel volunteered to review the 5/19/22 minutes.

#### **D. ISSUES AROUND TOWN DECISIONS** – none at this time.

### **UPDATES**

#### **E. WETLANDS UPDATES** – none at this time.

#### **F. CONSERVATION AREA UPDATES**

- Annual Land Management Contract. Bids were opened on 5/12/22. Only one bid was received and will be awarded to Essex Horticulture.
- 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 an 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.
- The stairs connecting the Upper Falls Greenway with Upper Falls Riverwalk. MassTrails grant application was due on 5/16/22 but the project is paused indefinitely since discovering that the City is not the current holder of the CR where the bottom of the stairs would fall.
- Staff are pushing to get other land management projects underway.

#### **G. ADMINISTRATIVE UPDATES** – The ability to continue with 100% remote meetings is due to sunset on July 15. The consensus of Commissioners present was that remote meetings: (1) protect immune-compromised and older Commission members, (2) increase meeting efficiency for applicants and representatives, (3) increase public participation. Green will speak with the Mayor about the Commission’s interest in maintaining the status quo.

#### **H. OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING**

##### **7. 45 Puddingstone Lane -- COC -- DEP #s 239-832**

- Owner/Applicant: Temple Avodah
- Representative: None present.
- Request: Issue COC.
- Jurisdiction: Riverfront Area
- Presentation and Discussion: Staff visited the site on May 19 and found it to be in substantial compliance with the OOC.
- Vote: To issue a complete COC. [Motion: Zabel; Second: Cade; Roll-call vote: Cade (aye), Green (aye), Lunin (aye), Zabel (aye); Vote: 4:0:0]

#### **I. ADJOURN**

- Vote to adjourn at 10:10. [Motion: Zabel; Second: Cade; Roll-call vote: Cade (aye), Green (aye), Lunin (aye), Zabel (aye); Vote: 4:0:0]