

# CONSERVATION COMMISSION AGENDA

Date: Thursday, July 21, 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>

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. WETLANDS DECISIONS

#### 1. 7:00 – 1 Nonantum Rd – NOI – Charles River invasive plant management plan -- DEP #239-???

- Owner/Applicant. DCR
- Representative. Naomi Valentine, SWCA
- Request. Issue OOC.
- Documents in packets: Maps
- Additional documents presented at meeting.
- Jurisdiction. Riverfront Area, BLSF, City Floodplain, Buffer Zone
- Performance Standards:

#### **SUMMARY of 10.53(4) Ecological Restoration Limited Projects – for vegetation control.**

10.53(4)(e)(5) Other. The project must improve the natural capacity of Resource Areas to protect the interests of the Act

10.53(4)(a)1. It must meet the definition in 10.04 (restore or enhance, defined in 10.53(4))

10.53(4)(a)5. It must comply with 10.53(1), (2), (7), & (8)

10.53(1) = For work in BZ, impose condition to protect the wetland

10.53(4)(c) As per 10.12, there is no need to do a Wildlife Habitat Evaluation (10.60)

10.53(4)(d) Consider: history, benefits, avoid/minimize/mitigate

- Project Summary.
  - DCR will implement its Charles River Vegetation Management Plan (CRVMP) along the riparian zone of the Charles River in Newton. This is part of a greater CRVMP project, which spans various sections of riparian zone and adjacent DCR properties within Boston, Cambridge, Watertown, and Newton.
  - DCR has established the following goals for the CRVMP:
    1. Ensure all routine maintenance is carried out in a manner that has no potential for damage to the environment and all vegetation management activities will be performed to avoid and minimize any potential impacts to the maximum extent practicable.
    2. Restore the natural capacity of the existing Wetland Resource Areas to protect and sustain the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) (WPA) and provide for stable and sustainable shorelines; historic vistas; climate resiliency; and a safe, stable tree canopy.
    3. Develop strategies that protect the properties' ecological, recreational and cultural integrity and consistently implement such strategies across all public/private uses of the property (leases, [Memorandums of Agreement [MOAs], special use permits, easements, etc.).



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Development**  
Barney Heath

**Chief  
Environmental  
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Jennifer Steel

**Assistant  
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Ellen Menounos

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4. Provide public access to outstanding opportunities for passive and active recreation along and adjacent to the riverbank.
  5. Steward parklands that reflect the cultural value and 100-year history of the Charles River Reservation.
  6. Engage a cooperative network of parkland stakeholders who both enjoy the many recreational opportunities and provide volunteer assistance in managing the CRVMP area.
  7. Provide a framework to guide future capital restoration projects.
- The proposed project seeks to manage vegetation within Bordering Land Subject to Flooding; Riverfront Area; and the 100-foot buffer zone to Bank.
  - Two types of vegetation management are proposed within these resource areas: routine and invasive control.
  - All impacts are temporary and no adverse impact will occur to any of the resource areas within or near the project site
  - DCR conducts various types of regular maintenance along the Charles River Reservation.
    - Lawn: Bimonthly mowing to 4 inches. Restored as needed with compost/clean soil and seeding.
    - Woodland: Periodic tree pruning and removal are performed following arborist review of trees. Other vegetation management is conducted with mowers, weedwhackers, and chainsaws.
    - Circulation: bimonthly maintain a +/- 5-foot lawn buffer on each side of circulation areas. (+/- 10-foot buffer adjacent to bridges and ramps for woody vegetation).
  - DCR has identified two focus areas for invasive plant management, prioritized based on their proximity to high-traffic areas, feasibility of management within the next 3-5 years, and presence of high concern plant species.
    - Newton Focus Area 1: directly west of the Daly Field Ice Rink building, extending from the river's edge to the bike path. Square feet of infestation: Asiatic Bittersweet (136), Glossy Buckthorn (31,570), Japanese Knotweed (9), Norway Maple (trace), Purple Loosestrife (10), Shrub Honeysuckle (trace), Swallowwort (400), Tree of Heaven (1,002)
    - Newton Focus Area 2: approximately 200 feet from the entrance to the bike path to the Newton/Boston City line and covers the area between the top of bank to the bike path. Square feet of infestation: Asiatic Bittersweet (8), Glossy Buckthorn (95), Japanese Knotweed (381), Norway Maple (4), Shrub Honeysuckle (105), Swallowwort (trace)
  - Treatments
    - Woody vines and shrubs will be hand-removed where possible and where not possible, they will be managed through cut-stem herbicide application and other methods.
    - Japanese knotweed will be managed through selective foliar herbicide application.
    - Tree of heaven will be girdled or treated via cut-stem herbicide application.
    - Swallowwort will be treated using a foliar application of the herbicide triclopyr.
  - Restoration: DCR has not yet developed a full restoration plan for this proposed vegetation management program. The intention is to monitor and revegetate with seed as needed; practice adaptive management and use various methods of management and active restoration when needed.
- Staff Notes.
    - As a limited project, it is fully permissible.
    - Some areas will likely be left mostly devoid of vegetation, so restoration must be figured out so that it can be implemented timely upon completion of invasive removal efforts.
    - Fencing and signage should be proposed to ensure that the areas disturbed by invasive control efforts will not be trampled or converted to other than woodland. (The post-and-rail fence near the boathouse has worked really well to protect the plantings along the river.)
    - The "Methods of Management" table details nicely appropriate removal and disposal for each invasive species.
    - The NOI's 7.2 Invasive Plant Management conditions (pg 12-13 of the NOI) are all appropriate.
    - Staff would like to use this opportunity to ensure that:
      - The restoration area associated with expansion of the Daly Rink is restored, bounded and preserved.
      - The planting of replacement trees, installation of stormwater management improvements, and planning for appropriate seasonal dock storage are undertaken at the Newton Yacht Club.
      - The issue of a parking lot on Parkway is addressed.
  - Staff Recommendation. Once all questions and concerns have been addressed, vote to close the hearing and issue a **5-year Ecological Restoration Limited Project** OOC with the state's required conditions, Newton's special conditions, and the following site-specific special conditions.

#### Findings

- As a limited project, it is fully permissible and ecologically beneficial.

- All work must comply with the “Methods of Management” table that details removal and disposal for each invasive species and the NOI’s 7.2 Invasive Plant Management conditions (pg 12-13 of the NOI)

**Prohibited Activities**

21. ?? \_\_\_\_\_ ??

**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.

**Conditions During Work**

- 24. The applicant must ?? \_\_\_\_\_ ?? to ensure that the site remains stable and vegetated.
- 25. Fencing \_\_\_\_\_??
- 26. Signage \_\_\_\_\_??
- 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. 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.
- 29. 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 31<sup>st</sup> each year the Order is valid.

**Conditions after Work has been Completed**

- 30. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting a completed “Request for Certificate of Compliance (WPA Form 8A).”

**2. 7:30 – 1897 Washington Street, Woodland Golf Club – NOI continued – DEP #239-925**

- Owner/Applicant. Chad Becker, Woodland Golf Club
- Representative. Andrew Gorman and Sarah Stearns, Beals & Thomas
- Request. Issue COC.
- Documents in packets. Highlighted plans, locus map
- Additional documents presented at meeting.
- Jurisdiction. Land Under Water, Bank
- Performance Standards.

**Bank: 310 CMR 10.54**

- (a) Work on a Bank shall not impair the following:
  - 1. The physical stability of the Bank;
  - 2. The water carrying capacity of the existing channel within the Bank;
  - 3. Ground water and surface water quality;
  - 4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;

5. The capacity of the Bank to provide important wildlife habitat functions. 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...

6. Work on a stream crossing ...

(b) Structures may be permitted in or on a Bank ...

(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]..."

**Stormwater 10.05(6)(k).** NOTE: It is not clear whether the WPA stormwater regs apply to stormwater drainage purely from vegetated surfaces, but assuming they do: "Except as expressly provided, stormwater runoff from all industrial, commercial, institutional, office, residential and transportation projects that are subject to regulation under M.G.L. c. 131, § 40 including site preparation, construction, and redevelopment and all point source stormwater discharges from said projects within an Area Subject to Protection under M.G.L. c. 131, § 40 or within the Buffer Zone shall be provided with stormwater best management practices to attenuate pollutants and to provide a setback from the receiving waters and wetlands in accordance with the following Stormwater Management Standards as further defined and specified in the Massachusetts Stormwater Handbook: ... (standards 1-10)".

- Proposed Project Summary:

1. Plug or divert inlets and outlets, draw down "pond" into basin constructed nearby if necessary.
2. Install plywood or matting for equipment access
3. Remove willow and accumulated organic muck (dewatering it as necessary in another basin constructed nearby -- then repurposing it to an upland area).
4. Improve the banks for stability and wildlife: "In the event of any temporary Bank impacts that may occur by the proposed work, the Applicant will reseed and grade the impacted Bank to a gentler slope than that of pre-project conditions. Any seed mix selected will be of appropriate species that tolerate a range of hydrologic conditions, such as a basin mix. Disturbed bank shall be reseeded with New England Wet mix or equivalent."
5. Reset pond overflow and area drain lines.
6. Plant 3 swamp white oaks trees, establish 3-foot no mow around "pond".

- Staff Notes

- A revised narrative and revised plans were received.
- **Altered Scope of Work**
  - The applicant will not (under this filing) add sand under the existing fairway turf so will not cause any "loss" of BVW.
  - The applicant will not (under this filing) expand the "pond" (so it will not become a jurisdictional "Pond") or build an access road
- **Altered Jurisdiction/Performance Standards:** Discussions with DEP helped determine that jurisdiction is different than originally thought.
  - LUWW is not pertinent since the "pond" is less than 10,000 sf.
  - BVW (low lying fairway) is presumed to exist where the fairway floods, but will not be altered under the revised project proposal
    - Note: It is possible that the "pond" could be expanded in the future without the loss of BVW.
    - Note: BVW has not been delineated on the revised plan and this should be noted in the findings
  - Bank exists all around the "pond" and will be altered during the sediment removal efforts.
  - Stormwater: The "pond" functions as a "wet basin", but it acts like one and is 50' from the nearby stream. Staff feel that the project meets the stormwater standards by not altering inputs and by providing improvements to filtration and infiltration.
- Staff requests and questions
  - To what are the four "invert" pipes in the "pond" connected?
  - The erosion controls are not down-gradient of earth disturbances or dewater. They will likely not be needed along the cart path at all and are not appropriately located near the laydown/dewatering area.
  - Because of anticipated Bank alterations, a ( cursory) wildlife habitat assessment should be supplied.
  - The 3 swamp white oaks are proposed to be 15' from an existing 24" tree, well away from the waterbody and Bank. Why is that? What is the intention for the ground around the trees? Could the trees be planted, along with some shrubs, near the water to provide shade and habitat?

- Banks will be regraded. They could be vegetated with a mixture of native vegetative plants and low native shrubs for better bank stability, water quality, and wildlife habitat value.
- The Commission's conditions should focus on improving the banks and nearby BVW. The site currently offers little in the interests of the Act: water supply, flood control, pollution abatement, wildlife habitat, but is large and could support the interests of the Act a great deal more. The Commission's Tree Replacement Guidelines state that for a tree >24", 3 saplings and 5 shrubs should be installed.
- **Staff Recommendations:** Once all questions and concerns have been addressed, vote to close the hearing and issue an OOC with the following findings and site-specific conditions.

**Findings**

- The "pond" is not jurisdictional since it is under 10,000 sf and so LUWW does not exist on the site. The "pond" is a manmade landscape feature created between the 1950s and 1960s, prior to the promulgation of the Wetlands Protection Act, to collect and detain drainage from predominantly vegetated portions of the site while contributing to the overall aesthetic of the course. Part of this landscape feature's hydrology is tied directly to existing stormwater infrastructure, which includes the catch basins and associated conveyances detailed on the enclosed plans.
- There is Bank to the "pond" (waterbody)
- BVW has not been delineated on the revised plan, but is presumed to exist. This omission has no bearing on this application or decision.
- There is Buffer Zone to Bank and BVW. Since BVW has not been delineated, the Buffer Zone on the plan is not fully accurate. This omission has no bearing on this application or decision.

**Site-Specific Conditions**

- Drawing down the "pond" shall be undertaken through the use of a clean intake, dirtbags and a haybale "basin". Turbid water shall not be discharged to the outflow pipe or other wetland resource.
- Dewatering of the excavation spoils shall be within a contained area such that turbid water shall not be discharged to the outflow pipe or other wetland resource.
- Excavated material may not be deposited within wetland jurisdiction.
- The applicant shall ensure bank stability following the sediment removal operations by regrading (within the existing footprint of the "pond" to appropriately gentle slopes and seeding the Bank with a basin mix. ... New England Wet mix or equivalent."
- To mitigate for the loss of the willow tree and to provide overall ecological enhancements to the watershed and stream that are within the golf course, the applicant shall plant 3 swamp white oak trees as shown on the plans and 5 native shrubs (leatherleaf, sheep laurel, sweetgale, or native spireas) in close proximity to the "pond" banks.

**3. 8:00 – 326 Fuller St – NOI – construction of a permanent restroom at Brae Burn CC – DEP #-???**

- **Owner/Applicant.** Sean McLaughlin
- **Representative.** Sarah Stearns, Beals & Thomas
- **Request.** Issue OOC.
- **Documents in packets.** Site plan
- **Additional documents presented at meeting.**
- **Jurisdiction.** City Floodplain, Buffer Zone to Bank
- **Performance Standards.**
  - **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]..."
- **Project Summary.** Installation of a permanent ±150 square foot restroom facility to replace a seasonal restroom trailer, located near an existing sewer line.
- **Staff Notes.**
  - The building site is within turf grass
  - The trenching for electricity and water will occur within a paved cart path.
  - The trenching for the sewer line will be close to the stream, but will be in open turf.

- Staff's only concern is that trenching along the cart path near mature trees could cause severe damage to the roots. Notes on the plan sheet requires 5 feet of cover over the water line, so the trench will have to be at least 6 feet deep and 3-4 feet wide. How will this be addressed?
- Will the area of the current seasonal restroom be restored? With native vegetation?
- There is a great deal of opportunity for real improvement to the stream corridor (the Club owns ~4500 linear feet of the headwaters of Cheese Cake Brook). Most of that length is bounded by cropped turf grass that sloughs off into the stream. [Portions of] the stream could be cleared of turfgrass and planted and/or not mowed (3-5 feet).
- **Staff Recommendation:** Once all questions and concerns have been addressed, vote to close the hearing and issue an OOC with the following special conditions.
  - The applicant shall ensure the protection of the trees along the cart path by \_\_\_\_\_.
  - The applicant shall restore the area of the current seasonal restroom by removing the \_\_\_\_\_ and planting \_\_\_\_\_.
  - The applicant shall improve the health of the stream by \_\_\_\_\_ to ... the 130 feet of stream between the cart path bridges as a pilot project.

**4. 8:30 – 275-281 Needham St., 55 Tower Rd., and 156 Oak St. (Northland) – NOI continued – 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 and Curtis Quitzau (VHB), Chris Fee (Stantec)
- **Request.** Issue COC.
- **Documents in packets:** Highlighted plans
- **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;
  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.
- 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.
  - Temporary disturbance (tree cutting, grading, native removal, planting/whips/seed mixes) in the BZ and RFA.

• Staff Notes:

- No new materials have been received to date.
- The applicant team was to have provided one comprehensive packet of narratives and plans for Commission review and approval, including (but not limited to):
  - Pertinent base plan/existing conditions plan (with all large native trees shown and existing and proposed topography clearly legible)
  - Pertinent civil plan sheets (where existing and proposed topography are clearly legible)
    - Demo, site, utility, SESC, etc.
    - More detail on the intended grading at the top of the eastern slope where fill is trapped behind chain link.
    - ESC plan sheets must show details of compost sock and entrenched silt fence.
    - Clarity on grubbing trees near the ESC line at top of slope on west side of stream.
    - Clarity on whether the existing drainage pipes to remain will need to be replaced or rehabbed.
  - Pertinent landscape plan sheets
    - Clarity on the landscape plans’ (and rendering) of the legend, plant schedule, and call-outs of all trees, shrubs, and seed mixes to be installed within the Commission’s jurisdiction (ensure consistency among all entries);
    - Notes on the landscape plans about the use of compost socks or coir logs to retain topsoil and allow for plantings on the steep slope;
    - More detail on tree protection in the field
  - Pertinent Mill Park plan sheets (e.g., LG-602.2) and Culvert Demo and Protection document (3 page 3/29/22)
  - Phasing plan that is clearly legible and uniquely identified with a new plan sheet number
  - Invasive Species Control Plan with clarity about intended mechanical methods and herbicide use (timing, chemicals, and methodology)
  - Snow management plan sheet and plan
  - Long-term maintenance plan for invasives
  - Current stormwater O&M plans
  - Environmental Monitor scope of work (and suggested names)
  - Any other pertinent narratives
- Staff provided administrative approval to Contractor Crenshaw for enabling activities (utility work), within the paved roadway.
- The applicant would like the Commission to discuss and provide administrative approval for the demo of Marshall’s building based on the plan provided.

• Staff Recommendation:

- Await revised/consolidated materials.
- Discuss findings and potential conditions if/as appropriate.
- Findings:
  - The health of the RFA was compromised by asphalt, ABC rubble piles, and a predominance of Norway maples.
  - The Project will decrease impervious area within the Riverfront Area.
  - The Project has a goal of a healthy stream ecosystem, to be achieved through an aggressive invasive removal and native planting effort. Additionally, stormwater quality will be improved with the installation of three stormwater management features

- Special Conditions:
  - An Environmental Monitor, paid for by the Applicant and approved by the Commission, shall report to the Commission, to assist the Commission in its oversight of the activities approved by this Order. The name, e-mail address & cell phone number of the Environmental Monitor will be provided to the Applicant upon such designation. The Environmental Monitor will:
    - a. *Review and advise on erosion control installations* and make recommendations for proposed changes if necessary to protect the interests of the WPA.
    - b. *Ensure adherence to the Order of Conditions* and report any non-compliance to the Commission;
    - c. *Be present on site* during:
      1. Preconstruction meeting
      2. Installation of erosion controls
      3. Cutting of trees
      4. Removal of invasive shrubs and vines
      5. Planting of trees and shrubs
    - d. Have *the authority and responsibility to stop work* at any time, *modify activities* to ensure resource area protection, and/or modify activities to improve the restoration planting layout and the likelihood of plant survival. The Applicant will be expected to make said changes immediately as identified and requested by the Environmental Monitor;
    - e. *Provide weekly memos to the Conservation Commission and the Applicant* during the time periods when work is being conducted for items 1-5 above. Said memos shall summarize work completed, any problems that arose in the Commission’s jurisdiction, corrective measure(s) made in the field, and any additional corrective measures needed.
  - The applicant shall optimize use of the “lower terrace” close to the stream bank and other “micro-terraces” on the steep slope that will accommodate sapling and shrub plantings.
  - The applicant shall use compost socks or coir logs to retain topsoil and allow for plantings on the steep slope.
  - Erosion control shall be different in different locations to accommodate different slopes and soil characteristics.
  - Erosion controls will be changed as the project moves through different phases.
  - Tree protection shall be orange snow fence at the drip line of each mature tree to be protected (or the optimal equivalent, as the site allows).
  - All unconsolidated organics and debris accumulated at the top of the eastern slope, where up to 3 feet of “fill” has been trapped behind the chain link fence will be removed by hand so as to ensure protection of the roots of the trees to be protected.

**5. 9:15 – DCR Charles River weed control COC’s – DEP #'s 239-027, 239-255, 239-420, 239-648, 239-692, 239-784**

- Owner/Applicant. DCR
- Representative. Mary Nickerson, Solitude Lake Management
- Request. Issue complete COC’s.
- Staff Notes.
  - Recent applications/OOCs 239-900 (Lower Basin) and 239-923 (Upper Basin and Lakes District) cover aquatic weed control throughout the Charles River in Newton.
  - It would be good to close out all older weed management files (see the yellow highlights in the table below) – all but one seems to have satisfied all obligations. One seems to have been delinquent in submitting annual reports. The Commission must decide whether they wish to withhold that COC.
  - Staff found one old file pertaining to aquatic weed control on the Charles River not undertaken by DCR. It would be good to close out this file, too.
  - Staff found other old files pertaining to MDC/DCR projects other than aquatic weed control on the Charles River. It would be good to close out all these older construction and dredging files, too.

Year of Issue	DEP File #	Location	Target	Activity	Special Conditions in the OOC	Results	COC?
1980	239-27	Ware’s Cove		dredge	TOY, etc.	NEVER INITIATED – MDC cancelled the project	Issue as not initiated



1992	239-255	Ware's Cove	Fanwort, lily	SONAR	MDC to do outreach and monitoring of effects on BVW	Fanwort, lily reduced. Native waterlilies was reduced but not eliminated. No visible adverse impacts on emergent, non-target wetland plant species.	Issue as Complete
2002	239-420	Ware's Cove	Fanwort, milfoil	SONAR	Signage	Fanwort, milfoil reduced	Issue as Complete
2012	239-648	Purgatory Cove	Fanwort, milfoil	HHH SONAR	"This OOC does not automatically approve the use of herbicides ..." Annual reports due	Some annual reports received	Issue as Complete
2016	239-692	Lakes District	Water chestnuts	HHH	Annual reports due	Reductions noted Annual reports received	Issue as Complete
2017	239-784	Ware's Cove	Fanwort	HH, SONAR, Clipper, Reward	No algicide allowed. Annual reports due.	No reports in our files	Await reports? Issue as Complete?

Year of Activity	DEP File #	Location	Activity	Special Conditions in the OOC	Results	COC?
1974	239-9	River – Pony Truss Bridge to Lasell Bridge	dredge	John Wright/MDC	??	??
1996	239-303	Shore - Bridge St to City Line	Charles River Walkway	Dan Driscoll NO electronic file found, Paper file	Done	Ask ??? for a COC request?
1998	239-339	Shore - Pathway	Riverwalk Observation Deck	Dan Driscoll NO electronic file found, Paper file	Done	Ask ??? for a COC request?
2001	239-388	Shore - Bridge St	Up Ch R Res. Pathway	Dan Driscoll NO paper file found, Slim electronic files	Done	Ask ??? for a COC request?
2013 2014 2015	239-650	River - Lakes District	HH Water chestnuts	Larry Smith	2 reports received	Ask Larry for a COC request

## 6. 9:30 – DCR Violations

- Staff Notes.

- Across from 18 and 25 Parkway Road there has been tree cutting and the creation of parking in outer Riverfront Area and Buffer Zone.
  - A resident took note. Staff contacted DCR as the landowner.
  - DCR has contacted their legal department, but no action has been taken to date, despite numerous emails back and forth. The resident continues to complain about inaction.
  - Staff feel that at this point in time it would be appropriate to issue an official letter to DCR noting that an enforcement order will be issued if action is not taken by some date certain.
- Newton Yacht Club
  - 2011 Club sought permission to cut pine trees – were told a filing would be necessary
  - 2015 Club sought permission to cut pine trees – were told a filing would be necessary ... they promised to do so.
  - 2017 Determination issued for gas tank work in parking lot, tree cutting, and tree planting (referenced in MOU)
  - 2017 MOU signed obligating Club to stormwater improvements and shrub planting.
  - 2019 staff first contacted DCR to alert them to the non-compliance.
  - Promises have been received from DCR for follow-through, but nothing has happened to date.
  - Staff feel that at this point in time it would be appropriate to issue an official letter to DCR noting that an enforcement order will be issued if action is not taken by some date certain.

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

**C. 9:45 – ADMINISTRATIVE DECISIONS** – none at this time

**7. Minutes to be approved**

- Documents in packets. Draft 6/30/22 minutes as edited by Judy Hepburn.
- Staff Recommendation. Vote to approve the 6/30/22 minutes.
- Volunteer. Who will volunteer to review the 7/21/22 minutes?

**D. 9:50 – ISSUES AROUND TOWN DECISIONS** – none at this time

**UPDATES**

**E. 9:50 – WETLANDS UPDATES** – none at this time

**F. 9:50 – CONSERVATION AREA UPDATES** – none at this time

**G. 9:50 – ADMINISTRATIVE UPDATES** –

- Remote participation (set to expire on July 15).
  - Late May: Senate included in its budget bill a straightforward extension of remote meeting options through 12/15/23.
  - July 5: Senate Ways and Means Committee advanced this section as a separate bill and the Senate endorsed it.
  - July 7<sup>th</sup>: House passed bill extending temporary authorizations for remote local government meetings and mandating that all meetings of public bodies provide remote access. The House approved an amendment to permanently mandate remote access to all public meetings, excluding executive sessions. The remote mandates would go into effect on 4/1/23.
  - The MMA is continuing to advocate for flexibility for municipalities, while explaining that a mandate would entail significant costs and logistical challenges for municipalities.
  - In summary - we are still waiting for the House and Senate to agree on the same remote meeting language.

**H. 10:00 – ISSUES AROUND TOWN UPDATES** – none at this time

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

**ADJOURN**

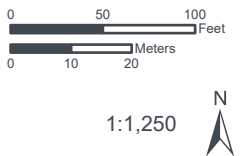




CHARLES RIVER VMP PERMITTING AND IMPLEMENTATION PROJECT  
**Figure 5. Wetland Resources and Invasive Plant Management Areas**

- - - 100' Buffer Zone
- - - 200' Riverfront Area
- Delineated Bank
- Major Road
- Bordering Land Subject To Flooding
- Invasive Plant Management Focus Area
- Invasive Plant Population
- Project Area
- Municipal Boundary

Newton, MA  
 USGS 7.5' Quadrangles: Newton and Boston South  
 NAD 1983 StatePlane Massachusetts Mainland FIPS 2001 Feet  
 71.1707°W 42.3587°N



## 7 AVOIDANCE, MINIMIZATION, AND MITIGATION

DCR will minimize all impacts the extent practicable and will mitigate for any impacts through systematic restoration practices. DCR has specific minimization strategies for all general activities and invasive plant management minimization practices and BMPs to avoid and reduce impact.

### 7.1 General Minimization Strategies

The following minimization strategies are applicable to all activities associated with the proposed work presented in this NOI.

- Vegetation management activities shall adhere to the following stipulations
  - Inspect all equipment prior to arrival onsite
    - Ensure all are properly functioning, all hoses are in good condition (no leaks)
  - Conducted during dry conditions only to as to avoid rutting
    - Does not apply to hand pruning and cutting activities
- Equipment storage, use, and maintenance shall adhere to the following stipulations
  - Conduct all equipment travel along finished grade and on parkland, avoiding exposed tree roots
    - E.g., turf grass, trails, paths, and the Paul Dudley White Greenway
  - Store spill kit(s) near areas where fueled maintenance equipment is being used
    - Spill kit shall include absorbent pads and disposable bags.
    - DCR's Spill Prevention and Control Plan (Appendix G) will be implemented in the event of a spill.
  - Store fueled equipment outside of resource areas and buffers, or in existing paved parking areas when not in use
  - Conduct all equipment maintenance and fueling outside of resource areas and buffers or in paved parking areas
  - Clean equipment that has been placed or used within areas containing invasive species prior to leaving those invasive areas
    - Clean all plant matter (stems, flowers, roots, etc.), soil, or other deleterious materials

### 7.2 Invasive Plant Management

All of the above-detailed BMPs also apply to invasive plant management. In addition, DCR will ensure that the following overall BMPs are implemented.

#### Cutting and Removal of Invasive Vegetation

Invasive plant material cut as part of the invasive plant management shall be disposed consistent with the following by vegetation type.

- Woody material without flowers or seeds: create small stockpiles away from wetlands and recreational facilities (to be coordinated with operations)
- Non woody material: bag and dispose of appropriately
- Flower or seed heads: dead head, bag and dispose of appropriately



## **Herbicide Application**

Only individuals appropriately licensed and certified by the Massachusetts Department of Agricultural Resources Pesticide Bureau will be allowed to apply herbicides. Herbicide applications must comply with all applicable local, state, and federal regulations. DCR must approve all herbicides and surfactants prior to their application.

Additionally, herbicides will not be applied during the following adverse weather conditions.

- High wind velocity, per 333 CMR 11.03(6)
- During periods of dense fog, or moderate to heavy rainfall
- During periods of high temperatures and low humidity (applications of volatile herbicides only)
- When rain is forecast within the 24-hour period after a scheduled application

When applying herbicides, the contractor will follow all labeled restrictions. All plant control treatments will follow all applicable federal and state laws and regulations. The contractor shall provide DCR with copies of any forms/reports filed regarding herbicide application covered under this effort.

The contractor shall comply with all federal, state, and local laws and regulations controlling pollution of the environment. The contractor shall take necessary precautions to prevent pollution of streams, wetlands, and ponds with fuels, oils, chemicals, or other harmful materials and to prevent pollution of the atmosphere from particulate and gaseous matter.

The storage or disposal of fuels, oils, chemicals, or other harmful materials on any project sites or neighboring property is strictly prohibited.

The contractor shall provide to DCR a written record (log) of all work done, including herbicide applications showing dates and times of application, names and license numbers of applicators, weather conditions, volumes, concentrations, types of herbicide solutions used, and locations treated.

## **Manual Management**

If management activities are completed by volunteers, Volunteer Stewardship Agreements shall be in place for the proposed activities.

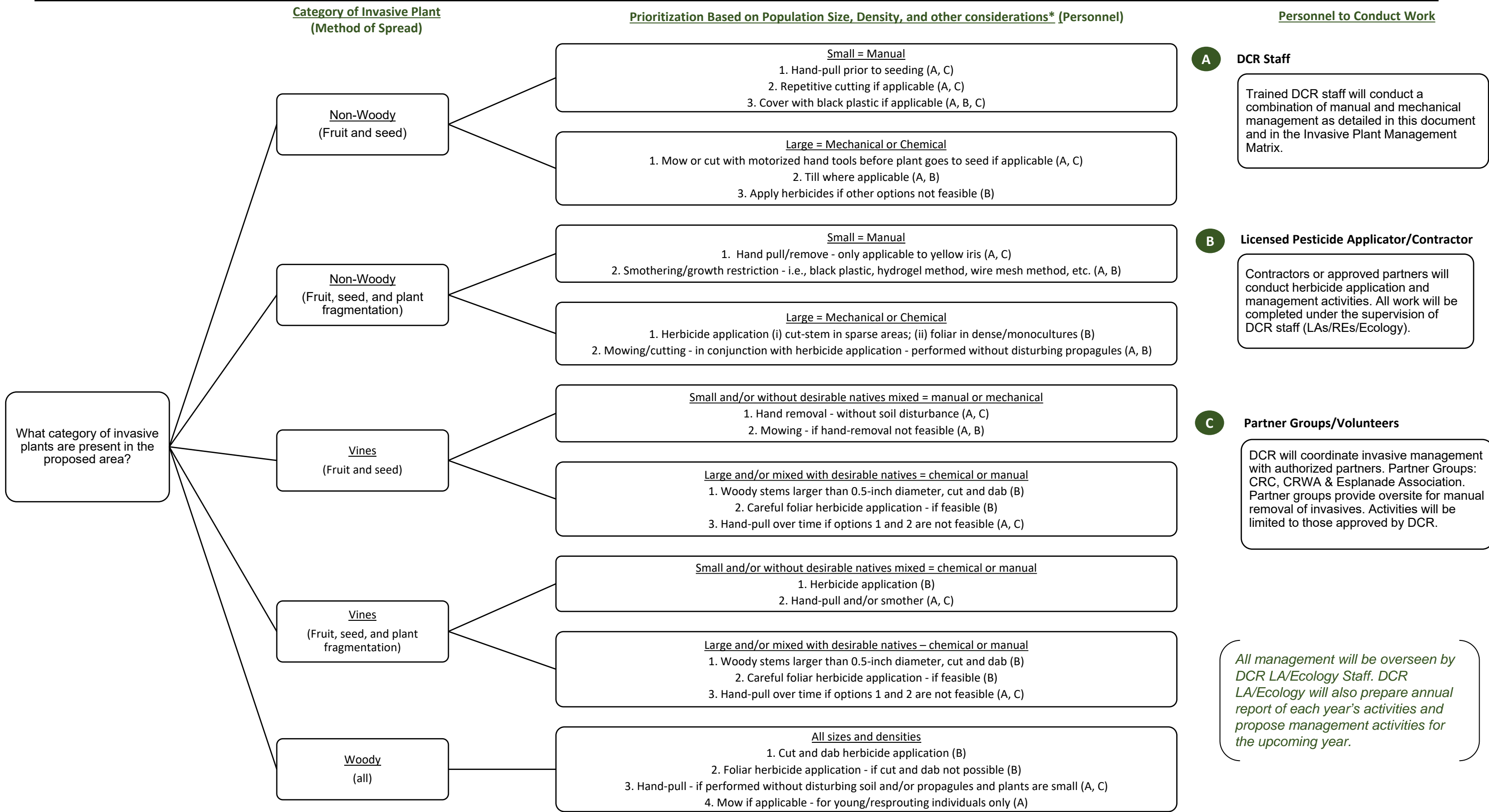
# **8 SUMMARY**

SWCA is submitting this NOI as an Ecological Restoration Limited Project under 310 CMR 10.53(4) to implement an updated CRVMP within the Charles River Reservation. The proposed project seeks to control invasive plant species and create a standard practice for special event vegetation management within BLSF, and RFA, as well as buffer zones to Bank. The goal of the proposed project is to reduce and systematically eliminate invasive plant species from the site and improve restoration and sustainable management practices during general maintenance. This will be conducted through improvements/refinement to general maintenance practices (Section 5.1) and the application of herbicide and manual invasive plant management (invasive plant management, Section 5.2), and systematic restoration of vegetation management areas (reseeding and/or revegetation following invasive plant management, Section 5.3). Once implemented, the proposed management plan will increase native biodiversity and increase the habitat for native wildlife species, such as nesting birds.

All work performed within sensitive resource areas discussed in this NOI submission will be performed with the utmost care and selectivity. Sedimentation controls will not be necessary, as soil disturbance will not occur. Pesticides proposed for use are certified for aquatic use and will be applied with caution to non-target species. We are seeking a 5-year Ecological Restoration Order of Conditions to implement the CRVMP that focuses on annual monitoring and adaptive management.

# 01 CRVMP Invasive Plant Management Decision Tree

DCR-proposed invasive plant management will be completed by DCR staff, partner groups, or state contractors



\*No mowing or tilling will ever occur in wetlands, steep slopes, or within bank.  
\*Hand pulling will not be performed within bank.

		Methods of Management				Methods of Disposal	
Category	Invasive Plant Name	Mechanical	Manual	Chemical	Species-Specific Notes		
Non-woody; Fruit and seed	Garlic Mustard ( <i>Alliaria petiolata</i> )		-Hand pull (small infestations): do not put pulled plants in piles where roots can stay moist -Mulching: several inches of wood chips -Cutting: repetitive for multiple growing seasons prior to seed set; cut a few inches above soil after flower stalks elongate but before flowers open. Do not cut first year rosettes.		Herbicide application: most effective in fall and/or early spring	<p><b>Prior to flowering:</b> Depends on scale of infestation <u>Small infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and leave on site with roots exposed.</li> </ul> <p><u>Large infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and pile. (You can pile onto or cover with plastic sheeting).</li> <li>• Monitor. Remove any re-sprouting material.</li> </ul> <p><b>During and following flowering</b> Do nothing until the following year or remove flowering heads and bag and let rot. <u>Small infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and leave on site with roots exposed.</li> </ul> <p><u>Large infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and pile remaining material. (You can pile onto plastic or cover with plastic sheeting).</li> <li>• Monitor. Remove any re-sprouting material.</li> </ul>	
	Purple Loosestrife ( <i>Lythrum salicaria</i> )				Herbicide application: after flowering but before seeds form (June - August)		
	Broad-Leaved Pepperweed ( <i>Lepidium latifolium</i> )	-Tilling/mowing (herbicide follow-up required): disk in fall, mow when flowers bud in spring. Allow plants to reach flower bud stage once more before applying herbicide. Further spraying likely needed in future.			- Foliar Application: 1-3% Glyphosate (or approved alternative solution - see notes) directly to foliage prior to seed set		Herbicide Application: should be timed to be at the period when carbohydrate root reserves are at lowest during early flowering or bud stage.
	Greater Celandine ( <i>Chelidonium majus</i> )						Safety note: Sap can cause skin irritation. Wear gloves when handling.
	Ground Elder/ Bishops Weed/Goutweed ( <i>Aegopodium podagraria</i> )	-Mowing: frequent mowing at short heights, early in year just after plant has reached full leafout -Covering: cover with black plastic sheeting		-Hand pull small/manageable infestations before flowering/seed			Covering: covering after mowing can exhaust energy reserves
	Lesser Celandine ( <i>Ficaria verna</i> )						Safety note: Sap can cause skin irritation. Wear gloves when handling.
	Japanese Stiltgrass ( <i>Microstegium vimineum</i> )	-Cutting: cut to ground with weed whacker in September, shortly before they produce seed					Herbicide application: 1-2% Fusion/surfactant solution recommended -June to August)
	Horned Poppy ( <i>Glaucium flavum</i> )						Hand pull in spring/early summer
	Tyrol Knapweed ( <i>Centaurea nigrescens</i> )	-Mowing: mow when plants are in late bud to early bloom stage, 2-4 times a year			- Foliar Application: 3% solution of triclopyr herbicide/water to leaves in early spring or fall		Herbicide application: most effective when combined with hand pulling or mowing
	Spotted Knapweed ( <i>Centaurea biebersteinii</i> )						Safety note: Sap of related knapweed can cause skin irritation and tumors. Wear gloves when handling.
	Wild Chervil ( <i>Anthriscus sylvestris</i> )	-Mowing: repeatedly before seed set		-Hand pulling -Digging: Dig up seedling plants and root before flowering	- Foliar Application: Broadleaf selective herbicides more effective than nonselective herbicides		Hand pulling: remove entire rosette and taproot Herbicide application: can be enhanced with tilling one week after application, then mid-September seeding of perennial native grasses Safety note: Can cause skin irritation. Wear gloves when handling.
	Leafy Spurge ( <i>Euphorbia esula</i> )	-Mowing		-Cutting			Cutting/mowing: seed formation can be prevented by repeated cutting/mowing, but root system will remain viable. Cut plants within 4 inches from ground before seed set and repeat through growing season.
	Giant Hogweed ( <i>Heracleum mantegazzianum</i> )	-Plowing: must be done for multiple years; best after mechanical and chemical control		-Hand pulling: (young plants in April-May) -Flower/seed head removal: when flowers are no longer visible but before seeds mature -Cut and Cover- cut plants to ground level and cover soil with black plastic (multiple years)	- Foliar Application: systemic herbicide between April-June and again in July-August		Root removal: cut taproot about 6 inches below ground level in early spring, remove cut pieces, follow up visit 2 weeks after root cut.



		Methods of Management				Methods of Disposal
Category	Invasive Plant Name	Mechanical	Manual	Chemical	Species-Specific Notes	
Non-woody: Fruit, seed, and plant fragment	Common Reed ( <i>Phragmites australis</i> )		-Pulling/cutting (not very effective and can lead to spread of propagules) -Hydrogel: cut stalks to ground surface, cover with biodegradable material, place hydrogel and planting medium, and install native vegetation.	Foliar Herbicide Application Cut-Stem Application (isolated stems only)	<u>Pulling/cutting</u> : cut stems below lowest leaf, leaving a stump 6 in or shorter during the flowering stage or boot stage (developed seed head) -typically July  <u>Herbicide application</u> : Glyphosate or Imazapyr foliar application during flowering or boot stage.	<p><b>Small infestation</b></p> <ul style="list-style-type: none"> <li>• Bag all plant material and let rot.</li> <li>• Never pile and use resulting material as compost.</li> <li>• Burn.</li> </ul> <p><b>Large infestation</b></p> <ul style="list-style-type: none"> <li>• Remove material to unsuitable habitat (dry, hot and sunny or dry and shaded location) and scatter or pile.</li> <li>• Monitor and remove any sprouting material.</li> <li>• Pile, let dry, and burn.</li> </ul>
	Chinese Silvergrass ( <i>Miscanthus sinensis</i> )		-Grubbing (small infestations)	Foliar Application: Spot treatments of 2% glyphosate/water solution in late spring or fall	<u>Grubbing</u> : ensure ALL roots are removed	
	Japanese Knotweed ( <i>Polygonum cuspidatum</i> )	-Cutting/mowing: Early June or after plant has bloomed out	-Wire mesh: install after cutting vegetation flush to ground. Tightly secure and ensure mesh remains tightly affixed to ground surface.	- Foliar application: apply to foliage - Cut-stem: apply concentrated herbicide to exposed stem (thick stems only)		
	Reed Canary Grass ( <i>Phalaris arundinacea</i> )	Mowing	-Cutting: Cut as close to the ground as possible to prevent seeding or as part of integrated approach -Shading: Cover with shade cloth and secure tightly; mulching with thick cardboard and wood mulch -Restoration Planting: install native trees and shrub to shade out and compete	- Glyphosate or Imazapyr spot spraying		
	Yellow Iris ( <i>Iris pseudacorus</i> )		- Pulling/Digging: Hand pull seedlings; dig up mature plants			
	Mugwort ( <i>Artemisia vulgaris</i> )			- Foliar application: apply glyphosate or triclopyr in late summer or early fall	Mow in early summ and early fall	
Vine, Non-woody: Fruit and seed	Mile-A-Minute ( <i>Polygonum perfoliatum</i> )	Mowing	-Hand pulling: when soil is wet prior to fruit formation	Foliar application: apply systemic herbicide in summer before fruiting; use surfactant	Mowing must be repetative to prevent flowering and fruit/seed production	<p><b>Prior to flowering:</b> Depends on scale of infestation</p> <p><u>Small infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and leave on site with roots exposed.</li> <li>• Pull or cut plant and pile. (You can pile onto or cover with plastic sheeting).</li> <li>• Monitor. Remove any re-sprouting material.</li> </ul> <p><u>Large infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and pile. (You can pile onto or cover with plastic sheeting).</li> <li>• Monitor. Remove any re-sprouting material.</li> </ul> <p><b>During and following flowering</b> Do nothing until the following year or remove flowering heads and bag and let rot.</p> <p><u>Small infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and leave on site with roots exposed.</li> </ul> <p><u>Large infestation</u></p> <ul style="list-style-type: none"> <li>• Pull or cut plant and pile remaining material. (You can pile onto plastic or cover with plastic sheeting).</li> <li>• Monitor. Remove any re-sprouting material.</li> </ul>
	Swallow-wort ( <i>Cynanchum spp.</i> )		-Digging: Dig up plants so that root crown and rhizomes can be removed, before seeds mature.	- Cut and dab Triclopyr treatment	Mowing can reduce spread, bu must be done every year to be effective. Conduct before seed pods mature.	
	Japanese Hops ( <i>Humulus japonicus</i> )	-Mechanized cutting early and throughout growing season	-Hand pulling (small infestations)	- Foliar treatment: ideally two systemic s a year after germination but before extensive growth and again before seed production		
	Porcelain Berry ( <i>Ampelopsis brevipedunculata</i> )			- systemic prior to seed set		
	Dodder ( <i>Cuscuta spp.</i> )		-Hand pulling: remove if seedlings found before attaching to host -Pruning -Restoration Planting: install non-host species such as grasses and monocots	<u>Herbicide application</u> : Pre-emergent herbicides such as trifluralin applied before seed germination	<u>Pruning</u> : after attachment to host, prune part of host plant 1/4 to 1/8 of an inch below infected area	

		Methods of Management				Methods of Disposal
Category	Invasive Plant Name	Mechanical	Manual	Chemical	Species-Specific Notes	
Vine; Non-woody; Fruit, seed, and plant fragment	Hedge Bindweed ( <i>Calystegia sepium</i> )		-Hand pulling: pull young plants 3-4 weeks following germination -Deep cultivation -Covering: cover using landscape fabric or cardboard to prevent light (up to 3 years)	- Fall treatment with glyphosate preferably when there are few flowers but not full bloom	<u>Deep cultivation</u> : use wide sweeps to cut roots and rhizomes 16-18 inches below the surface in dry soil <u>Herbicide application</u> : avoid treatments in time of drought	<p><b>Prior to fruit/seed ripening</b> <u>Small infestation/Seedlings</u></p> <ul style="list-style-type: none"> <li>• Bag all plant material and let rot.</li> <li>• Never use resulting material as compost.</li> <li>• Burn.</li> </ul> <p><u>Larger infestations</u></p> <ul style="list-style-type: none"> <li>• Make a brush pile.</li> <li>• Burn.</li> </ul> <p><b>After fruit/seed is ripe</b> Don't remove from site.</p> <ul style="list-style-type: none"> <li>• Burn.</li> <li>• Make a covered brush pile.</li> <li>• Chip – only after material has fully dried (1 year) and all fruit has dropped from branches. Leave resulting chips on site and monitor.</li> </ul>
	Japanese Honeysuckle ( <i>Lonicera japonica</i> )		-Hand pulling (small infestations)	Apply a 2% glyphosate or triclopyr solution to leaves from spring through fall. Use 25% solution if using cut-stump method		
	Kudzu ( <i>Pueraria montana spp. Lobata</i> )		-Mowing/Digging	Utilize cut-stem treatments with systemic chemicals	<u>Mowing/Digging</u> : Use shovel or pick axe to expose base of root crowns and cut the root below crown with axe or handsaw. Preferably done during hottest parts of summer. <u>Herbicide application</u> : try to remove vines from native plant species prior to application	
	Bittersweet Nightshade ( <i>Solanum dulcamara</i> )		-Hand pulling: pull young plants, taking care not to break pieces Cut/cover: can be cut to ground and covered with heavy-duty geotextile fabric for at least 2 years		<u>Herbicide application</u> : must effective when temperatures are between 50-80 °F; and no rain expected; should be applied before native plants emerge. Retreat for 1-2 years may be necessary. Physical removal should only be done after herbicide has been in place long enough for nightshade to be brown and dead.	
Vine; Woody; Fruit, seed, and plant fragment	Hardy Kiwi ( <i>Actinidia arguta</i> )		-Cutting: cut large vines in winter/early spring	Foliar or cut-stem herbicide treatment with glyphosate. -Foliar treatment apply directly to leaves with 3% solution (Foliar when cut stem is not possible due to access or too small stem width) This treatment is possible throughout the growing season and usually most effective when flowering/fruitletting.	Herbicide application should be conducted in late summer - early fall	
	Asiatic Bittersweet ( <i>Celastrus orbiculatus</i> )	Brush mow large infestations of smaller vines when not overtopping desirable vegetation.	-Hand pulling (small infestations) -Cutting: cut climbing vines near ground	-Cut stem cut vine stems and apply 20%-50% solution immediately -Basal Bark apply concentrated herbicide directly to tree/shrub bark. (fall or early winter)	<u>Herbicide application</u> : apply immediately after cutting, repeat applications preferably in fall and winter. Basal bark method with Garlon 4 can be done if temperatures are above 50 degrees F.	
Vine; Woody; Fruit and seed	Morning Glory/Bindweed ( <i>Convolvulus arvensis</i> )		-Hand pulling: pull up to 3-4 weeks following germination -Deep cultivation -Covering: cover using landscape fabric or cardboard (up to 3 years)	- Fall treatment with glyphosate preferably when there are few flowers but not full bloom	<u>Deep cultivation</u> : use wide sweeps to cut roots and rhizomes 16-18 inches below surface in dry soil <u>Herbicide treatment</u> : avoid treatments in times of drought	<p><b>Prior to fruit/seed ripening</b> <u>Seedlings and small plants</u></p> <ul style="list-style-type: none"> <li>• Pull or cut and leave on site with roots exposed. No special care needed.</li> </ul> <p><u>Larger plants</u></p> <ul style="list-style-type: none"> <li>• Use as firewood.</li> <li>• Make a brush pile.</li> <li>• Chip.</li> <li>• Burn.</li> </ul> <p><b>After fruit/seed is ripe</b> Don't remove from site.</p> <ul style="list-style-type: none"> <li>• Burn.</li> <li>• Make a covered brush pile.</li> <li>• Chip once all fruit has dropped from branches.</li> <li>• Leave resulting chips on site and monitor.</li> </ul>

		Methods of Management				Methods of Disposal
Category	Invasive Plant Name	Mechanical	Manual	Chemical	Species-Specific Notes	
Woody; Fruit and seed	Autumn Olive ( <i>Elaeagnus umbellata</i> )	Mowing (when small enough resprouts are present)	-Hand pulling/digging: pull or dig small seedlings and sprouts -Cutting: remove saplings with weed wrench, cut large plants and dig out stump if possible	Foliar or cut-stem herbicide treatment with glyphosate. -Foliar treatment apply directly to leaves with 3% solution (Foliar when cut stem is not possible due to access or too small stem width) This treatment is possible throughout the growing season and usually most effective when flowering/fruiting. -Cut stem cut vine stems and apply 20%-50% solution immediately -Basal Bark apply concentrated herbicide directly to tree/shrub bark. This treatment can occur in fall or early winter	Herbicide application to occur in the late growing season (July-September)	<b>Prior to fruit/seed ripening</b> <u>Seedlings and small plants</u> • Pull or cut and leave on site with roots exposed. No special care needed. <u>Larger plants</u> • Use as firewood. • Make a brush pile. • Chip. • Burn.  <b>After fruit/seed is ripe</b> <u>Don't remove from site.</u> • Burn. • Make a covered brush pile. • Chip once all fruit has dropped from branches. • Leave resulting chips on site and monitor.
	Common Buckthorn ( <i>Rhamnus cathartica</i> )				herbicide application in fall or early winter	
	Burning Bush ( <i>Euonymus alatus</i> )				<b>Digging:</b> large plants can be dug up with spading fork, pulled with weed wrench, or cut. Stump must be ground out or regrowth clipped.	
	Cypress Spurge ( <i>Euphorbia cyparissias</i> )				Hand pulling must be conducted frequently and repeatedly	
	Glossy Buckthorn ( <i>Frangula alnus</i> )				Utilize a 25% solution when conducting cut-stem application	
	Shrub Honeysuckles ( <i>Lonicera morrowii</i> , <i>L. tatarica</i> , <i>L.x bella</i> , <i>L. maackii</i> )				Herbicide application to occur in late summer during fruiting	
	Japanese Barberry ( <i>Berberis thunbergia</i> )				<b>Herbicide application:</b> for trees smaller than 4 inches in diameter: apply Triclopyr mixed with horticultural oil to the bark, a foot from base of trunk in early spring or from June-September <del>Cut stem treatments should be applied to outer</del>	
	Norway Maple ( <i>Acer platanoides</i> )				-Hand pulling: pull seedlings from moist soils, dig up larger plants -Girdling: cut through bark and cambium in circle around trunk in the spring -Cutting: cut trunks 2-3' from ground prior to spring sap	
	Sycamore Maple ( <i>Acer pseudoplatanus</i> )					
Multiflora Rose ( <i>Rosa multiflora</i> )	-Mowing (when small with regular mower, when larger with brush mower)	-Hand pulling/cutting (small populations)		Mowing: 3-6 times per year when performed for partial control		
Woody; Fruit, seed, and plant fragment	False Indigo Bush ( <i>Amorpha fruticosa</i> )		Hand-pull plants when feasible, dig to remove all roots when possible. Cut and continue to trim regularly.	Foliar or cut-stem with systemic herbicide (glyphosate or approved alternative)	-Repeated defoliation can limit regrowth, but mowing can encourage growth. - <b>Digging:</b> Dig and sever root 3-4 inches below the crown; repeat as necessary	<b>Prior to fruit/seed ripening</b> <u>Seedlings and small plants</u> • Pull or cut and leave on site with roots exposed. No special care needed. <u>Larger plants</u> • Make a brush pile. • Burn.  <b>After fruit/seed is ripe</b> <u>Don't remove from site.</u> • Burn. • Make a covered brush pile. • Chip – only after material has fully dried (1 year) and all fruit has dropped from branches. Leave resulting chips on site and monitor.
	Tree of Heaven ( <i>Ailanthus altissima</i> )	-Grubbing: for young trees or saplings	Hand pulling: pull or dig very young seedlings Cutting: cut trees while small, in early summer when root reserves are at lowest. Cut regrowth frequently.	-Foliar application apply 3% solution directly to leaves -Cut stem application cut as close to the ground as possible and apply 20%-50% solution as quickly as possible after cutting -Basal Bark application apply concentrated herbicide directly to bark as directed by herbicide label	<b>Herbicide application:</b> Basal bark application is most effective for trees 4-8 inches in diameter. Apply when tree is fully leafed but before it begins to show fall color	
	Large Gray Willow/Rusty Willow ( <i>Salix atrocinerea</i> / <i>S. cinerea</i> )	Girdling: cut through bark and cambium layers			<b>Herbicide application:</b> best method for willows is bore and fill application: suitable for willows with branches larger than 50mm in diameter. Cut stem method for smaller trees and branches in summer-fall.	



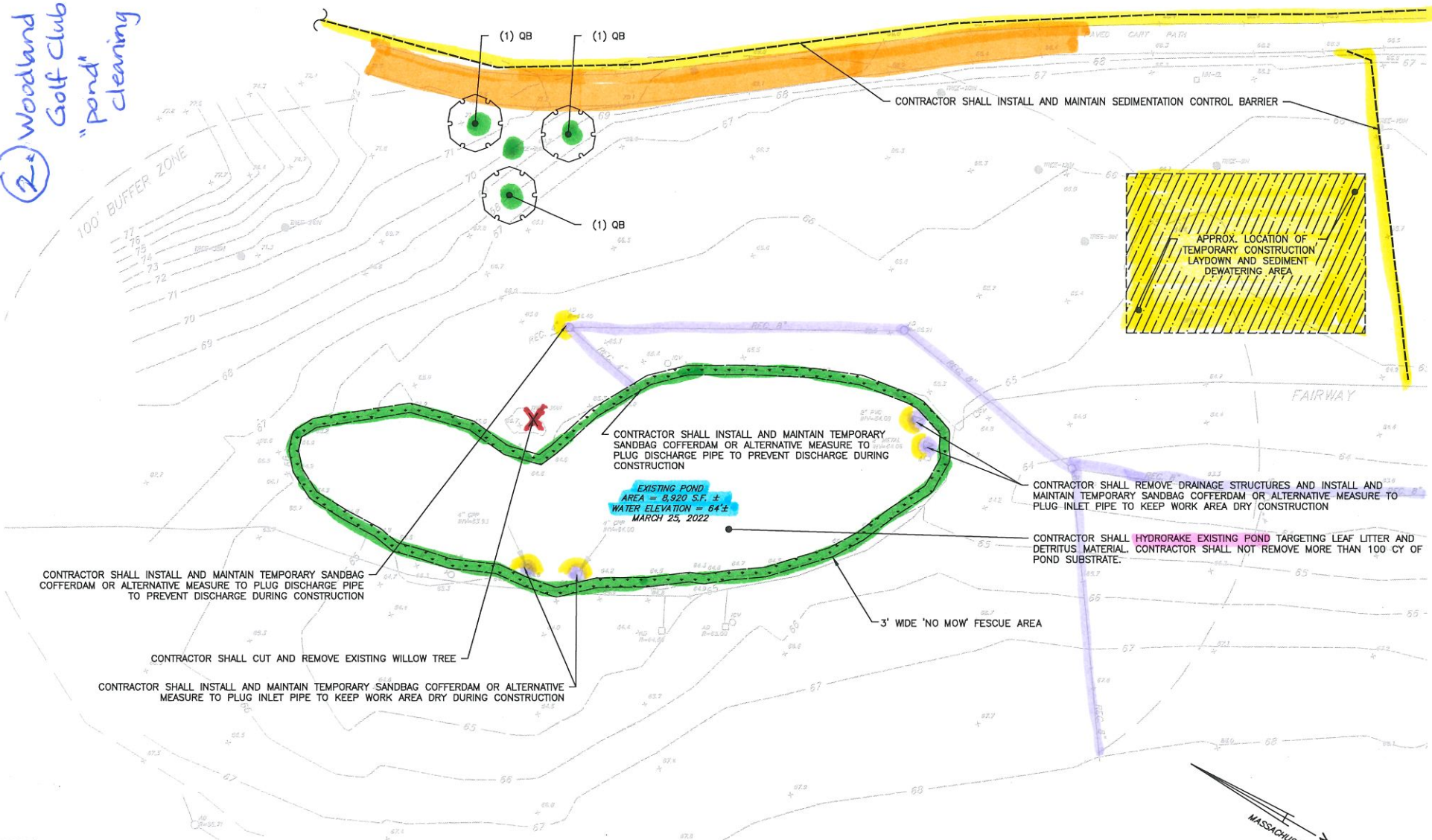
# Woodland Golf Club





Woodland Golf Club  
"pond" cleaning

CONTRACTOR SHALL INSTALL AND MAINTAIN SEDIMENTATION CONTROL BARRIER  
CONTRACTOR SHALL REMOVE DRAINAGE STRUCTURES AND INSTALL AND MAINTAIN TEMPORARY SANDBAG COFFERDAM OR ALTERNATIVE MEASURE TO PLUG INLET PIPE TO KEEP WORK AREA DRY CONSTRUCTION  
CONTRACTOR SHALL HYDRORAKE EXISTING POND TARGETING LEAF LITTER AND DETRITUS MATERIAL. CONTRACTOR SHALL NOT REMOVE MORE THAN 100 CY OF POND SUBSTRATE.



CONTRACTOR SHALL INSTALL AND MAINTAIN TEMPORARY SANDBAG COFFERDAM OR ALTERNATIVE MEASURE TO PLUG DISCHARGE PIPE TO PREVENT DISCHARGE DURING CONSTRUCTION

EXISTING POND  
AREA = 8,920 S.F. ±  
WATER ELEVATION = 64.2'  
MARCH 25, 2022

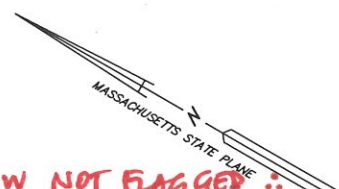
CONTRACTOR SHALL HYDRORAKE EXISTING POND TARGETING LEAF LITTER AND DETRITUS MATERIAL. CONTRACTOR SHALL NOT REMOVE MORE THAN 100 CY OF POND SUBSTRATE.

CONTRACTOR SHALL INSTALL AND MAINTAIN TEMPORARY SANDBAG COFFERDAM OR ALTERNATIVE MEASURE TO PLUG DISCHARGE PIPE TO PREVENT DISCHARGE DURING CONSTRUCTION

CONTRACTOR SHALL CUT AND REMOVE EXISTING WILLOW TREE

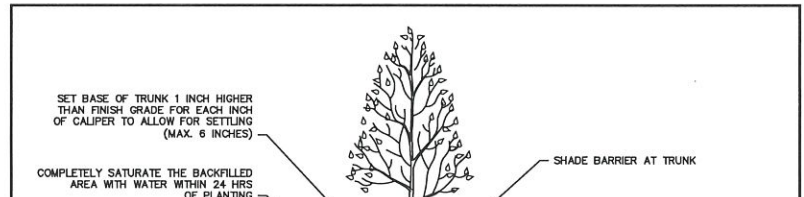
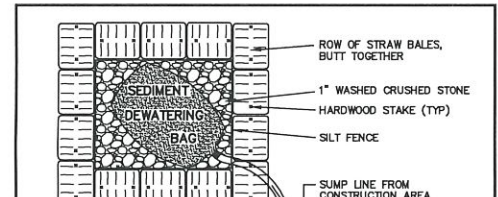
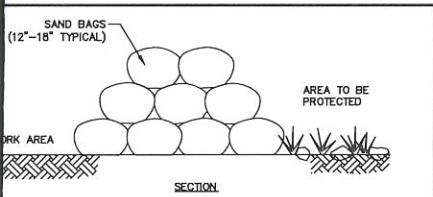
CONTRACTOR SHALL INSTALL AND MAINTAIN TEMPORARY SANDBAG COFFERDAM OR ALTERNATIVE MEASURE TO PLUG INLET PIPE TO KEEP WORK AREA DRY DURING CONSTRUCTION

3' WIDE 'NO MOW' FESCUE AREA



NOTE: BYW NOT FLAGGED ::  
: 100' BZ NOT ACCURATE

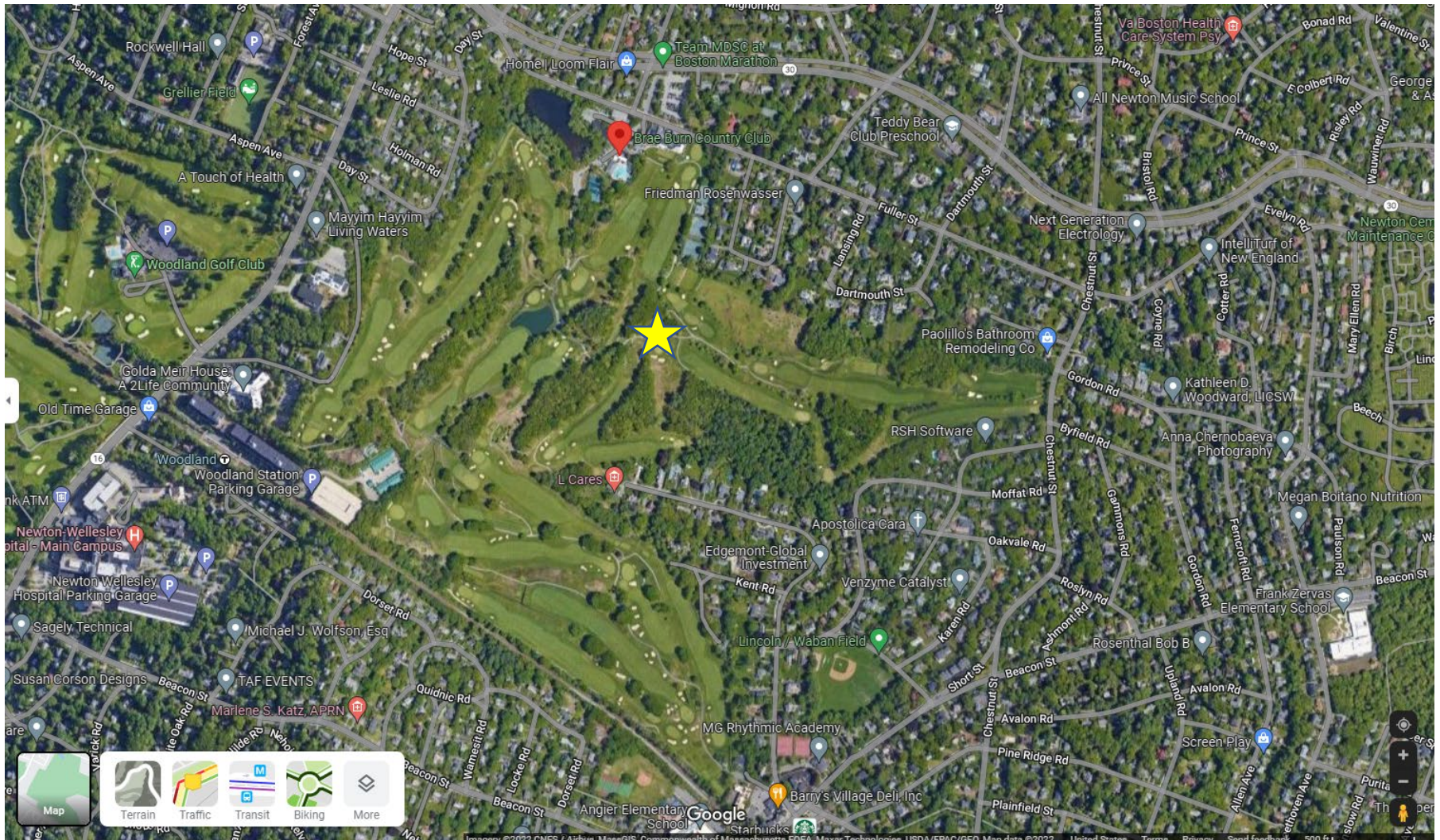
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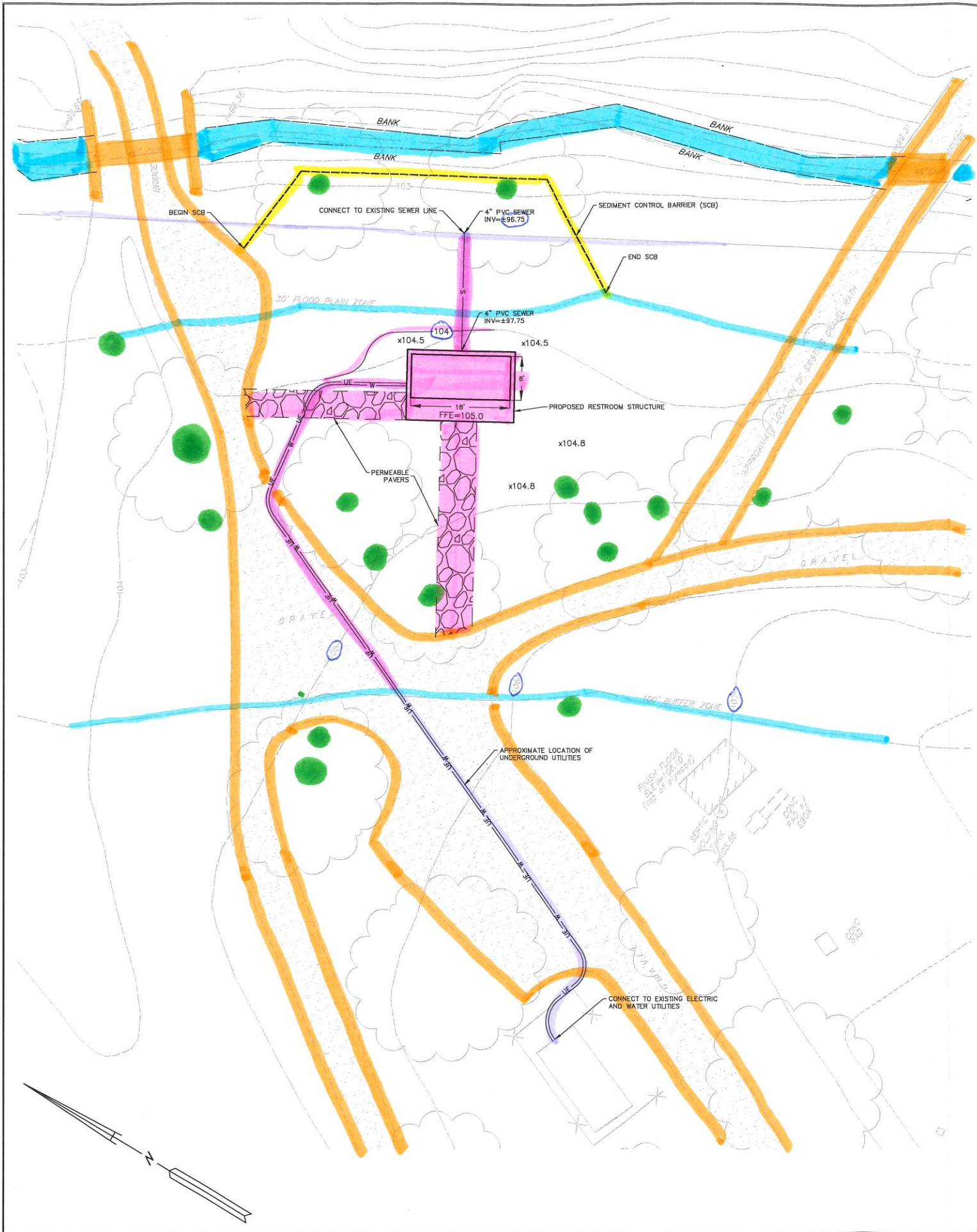
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# Brae Burn Country Club







## CONSERVATION COMMISSION MINUTES

Date: Thursday, June 30, 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), Kathy Cade, Judy Hepburn, Ellen Katz, Jeff Zabel, Leigh Gilligan.

Susan Lunin (Vice-Chair) joined the meet at 7:35. Kathy Cade left meeting at 9:10.

**Members Absent:** Associate Member Sonya McKnight

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

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

### DECISIONS

#### A. WETLANDS DECISIONS

##### 1. California Street, Upper Charles River Greenway, DCR – RDA

- Owner/Applicant: Priscilla Geigis, DCR
- Representative: Sandy Libby, DCR
- Request: Determine applicability.
- Documents in packets: Aerial photo, locus map
- Additional documents presented at meeting:
- Jurisdiction: RFA, Buffer Zone, Floodplain
- Project Summary:
  - Bench Installation: Two concrete bench pads will be installed flush with the existing Greenway to provide full accessibility. One pad will be 8'x 3'; the second pad will be 16'x3'. Benches will be surface mounted. (Excavate ~1 foot, remove excess soils from the site at the end of each workday, backfill with 8 inches of gravel, pour 4" of concrete.)
  - Removal of tables and benches: Remove and dispose of furniture that has been placed by the public.
  - Restoration of the area disturbed by the unauthorized benches/tables. Hand weeding, raking, scarifying and overseeding with a mix of white wood aster (*Eurybia divaricata*), Pennsylvania sedge (*Carex pensylvanica*), white goldenrod (*Solidago bicolor*) and partridge pea (*Chamaecrista fasciculata*). Any nonnative plantings that appear to have been added to the area by park users will be removed. Goose deterrent fencing will be installed around the restored area to allow it to germinate and "take".
- Presentation and Discussion: The area has been heavily used by picnickers and others over the years and so has no understory and has very compact soils. The project will refocus intensive use along the pathway (away from the river) and begin to restore the trampled/barren area.
  - Planting native species of trees, shrubs, or groundcover is exempt under 310 CMR 10.02
  - Installation of benches will involve the creation of small amounts of impervious area, but excavated material will be removed so that there will be no fill in the flood zone.
  - DCR would like to begin the project immediately. Staff questioned the prudence of seeding in July in drought conditions. DCR noted that they would reseed in the fall if necessary.
  - The Commission asked that DCR add woody plants to the seed mix. DCR did not want to commit to that, but will consider the request for the summer (and fall) seeding.
  - Commissioners questioned why the area would not revert to a heavily used public area. DCR responded that they have been in touch with the nearby adult day care (the primary users of the area) and hope that the new benches would redirect foot and seating traffic.
- Vote: To issue a Negative 3 Determination of Applicability. [Motion: Cade; Second: Gilligan, Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Katz (abstain), Zabel (aye); Gilligan (aye); Vote: 5:0:1]

##### 2. 1897 Washington Street, Woodland Golf Club – NOI – DEP #239-925

- Owner/Applicant: Chad Becker, Woodland Golf Club General Manager
- Representative: Andrew Gorman and Sarah Stearns, Beals & Thomas; member John Randall
- Request: Issue COC.



**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**

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



- Documents in packets: Highlighted plans, locus map
- Jurisdiction: Land Under Water, Bank
- Project Summary: Sarah Stearns gave a summary of the project as currently conceived:
  - Phase I: Draw down pond. Cut leaning willow tree. Hydrorake to remove accumulated organic muck. Add sand to low area near the pond to raise the fairway turf.
  - Monitor: See how the drainage in the area functions.
  - Phase II (only if necessary): Remove drain lines that are in the way of pond expansion. Excavate to expand pond from 8,920 sf to 22,770 sf (note: bank and buffer zone will also be expanded). Reset pond overflow and area drain lines. Plant trees, shrubs, and ground cover.
- Presentation (Sarah Stearns and Jon Randall) and Discussion:
  - Phase I is to increase stormwater retention and dissolved oxygen and improve aesthetics.
  - The Club is currently considering only Phase I activities, and would only undertake Phase II if Phase I proves ineffective at handling stormwater runoff.
  - The “pond” has filled in with organics and its banks are mostly turf grass.
  - The buffer zone is a narrow no-mow strip, maintained turf grass, and one mature willow tree (and drainage infrastructure). The willow is due to be removed, as it is gradually tipping toward the pond.
  - There was considerable discussion about hydroraking vs dredging: The Club would like to hydrorake accumulated organics “in the dry” with an excavator with a rake located on the “shore” after drawing down the pond.
    - The applicants feel they can ensure that only accumulated organics and none of the mineral “substrate” will be removed.
    - Removing less than 100 cubic yards of organics may avoid the need for a 401 certification (see 314 CMR 9.03 “Activities Not requiring an application”)
    - Dredging requires a Massachusetts Programmatic General Permit and a Section 401 Water Quality Certification, but because this is a temporary disturbance of LUWW, it will not trigger a 401 Water Quality Certification from DEP.
    - Removal of material should not trigger 404 dredge/fill discharge jurisdiction. The temporary nature of the LUWW disturbance should avoid the 5,000 sf threshold of LUWW disturbance that triggers a 404 certification
  - Dewatering of the hydroraked material will be where shown on the plans; material will then be trucked away.
  - The applicant team noted that only hydroraking would occur during Phase I and that the application’s reference to “suitable material shall be installed, if needed, on the bottom of the Pond” is no longer under consideration.
  - The “contractor shall install clean sand material to raise depressed portion of fairway”. The extent of alteration was clarified as the depression near the northwest side of the pond. The process was described as routine maintenance. The process is to remove the turf, install and grade sand, and install new sod.
  - Staff supplied comments about the planting plan for Phase II.
    - The trees proposed are not canopy trees.
    - The shrubs proposed are mostly appropriate, but lowbush blueberry will likely not thrive in this location.
    - The ferns proposed are not moisture-loving ferns.
  - Staff noted that the wildflower restoration seed mix area at hole 15 was not in place and that the no-mow strip was being encroached upon. Jon Randall noted that they were trying to reseed the restoration area.
  - Next Steps – The Commission closed the discussion with a request for a clear proposal for the Phase I no-mow/low-mow strip, a Phase I mitigation planting proposal, and a clarification of the details of Phase II, if it is to be addressed in this NOI/OOC.
    - Phase I
      - The Commission noted the need to mitigate for the removal of the large willow tree during Phase I. They felt that a plan for mitigation should be provided.
      - The Commission noted their appreciation for the low-mow strip, but suggested that it could and should be made a bit wider (e.g., 3 feet).
      - Staff supplied comments about the material removed during Phase I as potentially needing to be tested prior to disposal.
      - Staff noted that sandbag coffer dams will intrude into the work zone and will require multiple dewatering pumps. Should some other method of capping or diverting the area drain discharge pipes be employed?
      - Plans will be revised to eliminate the temporary access roadway, since plywood or matting could be used.
    - Phase II – if this is to be permitted and conditioned, more detail is needed
      - Staff supplied comments about the need for greater detail for potential pond expansion since the narrative states that it “may be increased in either north or east from its current footprint” What is the intended depth of the pond (proposed elevations on the plan start at 64’, the current water level of the current pond)?

- Vote: To continue to the hearing to 7/21/22 at 7 pm, with materials due 7/11/22. [Motion: Zabel; Second: Gilligan; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Gilligan (aye); Vote: 7:0:0]

### **3. 275-281 Needham St., 55 Tower Rd., and 156 Oak St. (Northland) – NOI continued – 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 and Curtis Quitzau (VHB), Chris Fee (Stantec)
- Request. Issue COC.
- Documents in packets: Highlighted plans
- Additional documents presented at meeting. Landscape plan supplement; Phasing document 'Soil erosion and sediment control 3; Site Plan C4; Section drawing dated May 19, 2022
- 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 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.
    - Removal of rubble piles and invasive species in the Buffer Zone and RFA.
    - Planting with native trees, shrubs, and seed mixes.
- Presentation and Discussion:
  - Revised plans showed:
    - (some of the) native trees over 12"
    - Color coded planting plans
    - Phasing plans
  - The 6/21/22 site visit:
    - Allowed for clarification of the overall goal of a healthy stream ecosystem in the future;
    - Allowed for viewing and discussion of the two stormwater management features;
    - Noted the pending loss of shade on the stream should all Norway maples be removed;
    - Discovered a lower "terrace" and microtopography that would accommodate shrub and sapling plantings below the "slope break" and found consensus with the applicant team that such planting would be beneficial. Additionally, the use of compost socks or coir logs to retain topsoil and allow for plantings on the steep slope was discussed;
    - Highlighted the need for more accurate base plan (i.e., identification, flagging, and survey locating of mature native trees) since staff identified several large native trees that had not been flagged or located on the plans;
    - Highlighted the need for more refined erosion control (to accommodate different slopes and grading) on the plans;
    - Highlighted the need for more refined tree protection on the plans; and
    - Highlighted the need for details of grading at the top of the eastern slope where up to 3 feet of fill is trapped behind chain link fencing that will be removed and where there are two large native trees close to the line of disturbance.
  - The recent VHB response memo addressed a number of staff questions
    - The existing drainage pipes will be CCTV'd before being reused. (per Engineering requirements).
    - Erosion control is proposed as follows:
      1. stake compost silt sock prior to removal of ABC rubble mounds along the limit of grading/top of very steep slopes that is shown on the plans.
      2. Immediately after removal of the ABC rubble mounds, install a silt fence along the face of the silt socks.
    - Material within the rubble piles will be stockpiled on site and tested for environmental concerns prior to appropriate off-site disposal.
    - Invasive shrubs, ground cover and vines will be removed from the very steep sloped areas by hand either by cutting or pulling.
    - Herbicides may be used, but only by a licensed applicator.
    - Planting will start in the fall of 2022 with hydroseeding, whips, trees, and shrubs on the sloped and disturbed areas on both sides of the brook. They will be monitored and supplemented as needed.

- Live stakes will be planted in the spring of 2023 because live stakes must be harvested while the host trees/shrubs are dormant – typically late winter/early spring.
- Curt Quitzau addressed issues raised at the site visit:
  - A new more accurate base plan with all large native trees will be supplied.
  - Shading of the stream will be achieved by the Norway maples on Bigelow Oil’s property, the native trees that will remain, and the geometry of the incised stream.
  - The water will remain cool because of the culvert that feeds the stream and receives the stream.
  - All tree cutting and invasive removal will be supervised by an on-site environmental monitor. Removal of smaller/lower/brushy plant material will all be by hand. All action will be under the supervision of environmental monitor (“the contractor will not be left alone.”)
  - There will need to be flexibility in the details of installation to move stock from higher on the slopes to lower on the slopes and to accommodate the microtopography of the site. Staff countered that some of that detail should be provided on the plan sheets.
  - It was noted that an outside Environmental Monitor concurred that live willow stakes should establish quickly.
- Curt Quitzau ran through the intended phasing:
  1. Immediate early enabling of utility work in entry drive – The Commission determined that staff could administratively approve that work if clearly shown on plans.
  2. Summer 2022 cut invasive trees and shrubs, pull/cut invasive vines; hydroseed slopes;
  3. Plant plants in the fall 2023; install live stakes in the spring 2023; place construction fence at top of slope to protect plants.
  4. Finish everything
- The need for a peer reviewer was not taken up by the Commission; rather ...
- The Commission noted the value of having an Environmental Monitor on site during all clearing and planting activities. Mary Trudeau has been hired by Cranshaw Construction to be the on-site SWPPP monitor. A separate restoration specialist should be on-site to serve the interests of the Commission (and Northland). The applicant team shall suggest a specialist for the consideration and approval of the Commission.
- Next steps (compiled from the discussion and previous communications):
  - Staff will send the VHB response memo to the Commission.
  - Staff can provide administrative approval to Contractor Cranshaw for enabling activities (utility work), within the paved roadway upon receipt of a request with a clear plan.
  - The applicant team will provide one comprehensive packet of narratives and plans for Commission review and approval, including (but not limited to):
    - Pertinent base plan/existing conditions plan (with all large native trees shown and existing and proposed topography clearly legible)
    - Pertinent civil plan sheets (where existing and proposed topography are clearly legible)
      - Demo, site, utility, SESC, etc.
      - More detail on the intended grading at the top of the eastern slope where up to 3 feet of fill is trapped behind a chain link fence that will be removed and where two large native trees are close to the line of disturbance.
      - ESC plan sheets must show details of compost sock and entrenched silt fence.
      - Clarity on grubbing trees near the ESC line at top of slope on west side of stream
    - Pertinent landscape plan sheets
      - Clarity on the landscape plans and rendering of the legend, plant schedule, and call-outs of all trees, shrubs, and seed mixes to be installed within the Commission’s jurisdiction (ensuring consistency among all entries);
      - Notes on the landscape plans about the use of compost socks or coir logs to retain topsoil and allow for plantings on the steep slope;
      - More detail on tree protection in the field
    - Pertinent Mill Park plan sheets (e.g., LG-602.2) and Culvert Demo and Protection document (3 page 3/29/22)
    - Phasing plan that is clearly legible and uniquely identified with a new plan sheet number
    - Invasive Species Control Plan with clarity about intended mechanical methods and herbicide use (timing, chemicals, and methodology)
    - Snow management plan sheet and plan
    - Long-term maintenance plan for invasives
    - Current stormwater O&M plans
    - Environmental Monitor scope of work (and suggested names)

- Any other pertinent narratives
- **Vote:** To continue the hearing to 7/21/22 at 7:45 pm. [Motion: Lunin; Second: Katz; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Gilligan (aye); Vote: 7:0:0]

#### 4. 15 Keefe Ave – NOI continued – second story addition on single family home -- DEP #239-924

- Owner/Applicant. Philip Leung
- Representative. David Therrien
- Request. Issue OOC.
- Documents in packets: Highlighted site plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, City Floodplain, BZ to Charles River
- Project Summary. Second story addition on single family home, gas line installation.
- Presentation (Dave Therrien) and Discussion:
  - Answers to staff and commissioner questions were provided by the applicant (in bold, below).
    - Provided details of vegetation removal around the house to allow access for construction -- **Vegetation near the house will be cut by hand and removed for disposal. The Japanese maple will need to be removed, but the dogwood should be able to be protected.**
    - Confirm whether shrubs and invasives behind the house will be removed -- **The area behind the house will be cleared of invasives plants.**
    - Provide proposed replacement/mitigation planting plan -- **A planting plan has not been developed at this time. The owner is happy to install natives on the slope.**
    - Confirm whether deck will be replaced -- **The deck will be removed and replaced with same size within the same footprint. The replacement deck will allow the owner to bring the deck up to current building code.**
    - Confirm whether shed in rear yard will be removed or replaced -- **The shed will be dismantled and removed to the front of the house for disposal. A new shed, same size, will be installed in the same location.**
    - Confirm whether the driveway will be left, replaced in place and in kind, or altered -- **The driveway will be replaced once construction has been completed. The replacement driveway will be in the same footprint.**
    - Should the limit of work be modified? -- **The limits of work for the house construction will not change. A new limit of disturbance will be created to allow the removal of invasive plants and conversion to lawn.**
  - Discussion ensued
    - The applicant is happy to be given a planting schedule. The Commission recommended 1 native canopy tree and 10 native shrubs.
- Vote. To close the hearing and issue an Order of Conditions with the Special Conditions below. [Motion: Katz; Second: Zabel; Roll-call vote: Green (aye), Cade (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye); Vote: 6:0:0]
  - Invasive shrubs and vines must be removed from the slope behind the house. That area may be loamed and seeded.
  - There may be no grading, loam or fill beyond the erosion control/limit of work line.
  - The likely removal of the Japanese maple tree and the definite removal of the tangle of native and invasive shrubs along the slope shall be mitigated with the installation of 1 native canopy tree (oak) and 10 native shrubs (clethra), in a single mitigation planting bed ~10'x20' installed where the tangle of invasives currently is.
  - All reasonable efforts shall be made to protect the dogwood tree at the front of house through the installation of orange snow fencing as close to the drip line as possible. If the tree is removed or demonstrably harmed during construction, it shall be replaced with a native tree of at least 2 caliper inches, planted within Riverfront Area.
  - The driveway may be reconstructed in place and in kind but may not be expanded within the Riverfront Area.
  - The shed may be replaced in place and in kind, but must be elevated on sonotubes (or the equivalent) above the 100-year flood elevation if it is placed within the flood zone.

#### 5. 152 Suffolk Rd – informal discussion re request for Minor Plan Change -- DEP #239-911 – revised entry 6/27

- Owner/Applicant. Yelena Dudochkin
- Representative. Evan Holbriiter, Mark Arnold with Goddard
- Request. Will the Commission consider the proposed reduction in scope as a Minor Plan Change
- Documents in packets: Revised landscape plans (partial set).
- Presentation and Discussion.
  - Applicant team has indicated that due to Historic Commission review and project costs, the sports court will be eliminated. Landscape plans have been revised. Civil (stormwater) plans are being revised.

- Commissioners agreed that since the alterations to the Buffer Zone will be less than those originally approved, there is no need to require an amended OOC, rather, the Commission approved of the changes to the Landscape Plans as Minor Plan Changes.
- Once Engineering approves revised Civil plans and a revised O&M plan, staff can approve them administratively as Minor Plan Changes.
- Vote: To approve the Minor Plan Change with a memo. [Motion: Hepburn; Second: Lunin; Roll-call vote: Green (aye), Hepburn (aye), Lunin (aye), Katz (aye), Zabel (aye); Gilligan (aye); Vote: 6:0:0]

**6. 14 Malvern Terrace – COC Re-sign – porch and driveway in RFA -- DEP #239-421 – revised entry 6/27**

- Owner/Applicant. Dave Ingham.
- Request. COC Re-sign
- Presentation and Discussion: Original COC was issued in 2003. A site visit on 6/24/2022 confirmed compliance.
- Vote: Issue COC Re-sign. [Motion: Gilligan; Second: Zabel; [Motion: Hepburn; Second: Lunin; Roll-call vote: Green (aye), Hepburn (aye), Lunin (aye), Katz (aye), Zabel (aye); Gilligan (aye); Vote: 6:0:0]

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

**C. ADMINISTRATIVE DECISIONS** – none at this time

**7. Minutes to be approved**

- Documents in packets. Draft 6/9/22 minutes as edited by Susan Lunin.
- Staff Recommendation. Vote to approve the 6/9/22 minutes.
- Vote: To approve the minutes from 6/9/2022. [Motion: Katz; Second: Lunin; [Motion: Hepburn; Second: Lunin; Roll-call vote: Green (abstain), Hepburn (aye), Lunin (aye), Katz (aye), Zabel (aye); Gilligan (aye); Vote: 5:1:0]
- Volunteer. Judy Hepburn volunteered to review the 6/30/22 minutes.

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

**UPDATES**

**E. WETLANDS UPDATES**

- Josh Morse invited any member of the Commission to join the Countryside School Building Committee to sit in on any of the pertinent monthly remote meetings. No commissioners volunteered at this time.

**F. CONSERVATION AREA UPDATES**

- Essex Horticulture, our new land management contractor, has started.

**G. ADMINISTRATIVE UPDATES – revised entry 6/27**

- City Council has approved Stormwater Management and Erosion Control Ordinance and accompanying rules and regulations.

**H. ISSUES AROUND TOWN UPDATES** – none at this time

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

**ADJOURN**