

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**

*1000 Comm. Ave.
Newton, MA 02459*

T 617/796-1120

F 617/796-1142

www.newtonma.gov

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 Holbritter, 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