

CONSERVATION COMMISSION MINUTES

Date: Thursday, Aug 11, 2022

Time: 7:00pm

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

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

Members Present: Dan Green (Chair), Susan Lunin (Vice-Chair), Kathy Cade, Judy Hepburn, Ellen Katz, Jeff Zabel, Leigh Gilligan, Associate Member Sonya McKnight. Ellen Katz left at 7:45.

Members Absent:

Staff present: Jennifer Steel, Ellen Menounos

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

DECISIONS

A. WETLANDS DECISIONS

1. 7:00 – 1 Nonantum Rd – NOI cont'd – Charles River Vegetation Management Plan – DEP #239-926

- Owner/Applicant. DCR
- Representative. Naomi Valentine (SWCA), Ale Echandi (DCR), Danielle Mellett (DCR)
- Request. Issue 5-year OOC.
- Documents in packets. Site map of invasives, Landscape Restoration Plant List
- Additional documents presented at meeting.
- Jurisdiction. Riverfront Area, BLSF, City Floodplain, Buffer Zone
- Project Summary.
 - Summary of DCR's goals for the CRVMP:
 1. Ensure routine maintenance has no potential for damage to the environment.
 2. Restore the natural capacity of the Wetland Resource Areas and provide for stable shorelines; historic vistas; climate resiliency; and stable tree canopy.
 3. Consistently implement management strategies.
 4. Provide public access to passive and active recreation along the river.
 5. Engage a network of parkland stakeholders who enjoy and volunteer in management.
 - DCR will undertake routine and invasive vegetation control within Bordering Land Subject to Flooding; Riverfront Area; and the 100-foot buffer zone to Bank 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.
 - Routine Woodland maintenance: Periodic tree pruning and removal are performed following arborist review of trees. Other vegetation management is conducted with mowers, weedwhackers, and chainsaws.
 - Routine Circulation Area maintenance: bimonthly maintain ~5-foot lawn buffer on each side of circulation areas.
 - Invasive control in Newton will be in two focus areas (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)
 - All management will be adaptive (modified to react to site specific needs)
 - Treatments (selected descriptions) – see the charts for more details



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
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- 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.
- All impacts will be temporary and no adverse impact will occur to any of the resource areas.
- Restoration: DCR will restore areas as necessary (i.e., if natives do not reestablish after 80% invasive removal has been achieved). DCR will monitor the sites and revegetate with seed as needed.
- Presentation & Discussion.
 - The site plan (treatment areas) and narratives were deemed appropriate and approvable.
 - Section 1.0 “Restoration of Invasive Plant Management Area” (received with supplemental NOI materials) details how restoration will occur after removal and disposal of invasive plants.
 - Section 7.2 “Invasive Plant Management” (received with the initial NOI application).
 - The following categories of plants and seed mixes identified in DCR’s “Landscape Restoration Plant Lists” were deemed appropriate and approvable:
 - Low Growing Upland Mix
 - Upland Shade Mix
 - Roadside Riverbank - Part Shade Mix
 - Circulation shoreline trees
 - Circulation shrubs
 - River’s Edge - Shrubs
 - River’s Edge Type F: Medium to High Shrub with Overstory - Trees
 - River’s Edge Type F: Medium to High Shrub with Overstory – Shrubs
 - Wooded - Trees
 - Wooded - Shrubs
 - Wooded - Vines/ Groundcovers
 - Key findings are summarized as follows:
 - This project is ecologically beneficial and fully permittable as a limited project.
 - All work must comply with the “Methods of Management” table that details removal and disposal for each invasive species, the NOI’s Section 7.2 Invasive Plant Management conditions (pg 12-13 of the NOI), and Section 1.0 “Restoration of Invasive Plant Management Area” (received with supplemental NOI materials).
- 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 site-specific special conditions below. [Motion: Gilligan, Second: Lunin; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Katz (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 7:0:0]
 - No full clearing of large areas without a pre-approved restoration plan.
 - All management will be adaptive (i.e., modified to react to site specific needs) and shall comport with the approved management charts
 - Fencing shall be installed, as needed, (per the specifications provided) to deter wildlife browsing and pedestrian traffic in areas newly opened by invasive management efforts.
 - Signage shall be installed, as needed, (per the specifications provided) to deter pedestrian traffic in areas newly opened by invasive management efforts.
 - Year-end reports outlining the management strategies employed and their outcome. This report shall be submitted to the Commission no later than December 31st each year the Order is valid.
 - After 80% invasive removal has been achieved, if natives do not reestablish, DCR shall use the approved palette of seed mixes and plants for restoration. Barren/disturbed areas must be reseeded with a seed mix that contains some native woody plants or planted with wood plants.
 - Prior to the removal of any native trees, the Conservation Office must receive an arborist’s report and a specific request for removal and plan for mitigation.
 - Because only invasive removal, vegetation management, and restoration are proposed and hereby approved, the applicant need only submit the following information when applying for a Certificate of Compliance in accordance with DEP Condition #12: a completed Request for Certificate of Compliance (WPA Form 8A) and a memo summarizing the work that has been completed.

2. 7:20 – 275-281 Needham St., 55 Tower Rd., and 156 Oak St. – NOI cont – Northland 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 OOC.
- Documents in packets. Revised plans
- Additional documents presented at meeting. None
- 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, City Flood Zone, and Buffer Zone associated with the daylighted portion of South Meadow Brook.
 - Proposed (phased) 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.
 - Significant removal of impervious surface from RFA.
 - Temporary disturbance of RFA, for debris and invasive species removal
 - Slope stabilization and restoration with native plants: 69 deciduous trees, 11 evergreen trees, 23 understory trees, 380 deciduous shrubs, 216 evergreen shrubs, and 69,145 sf of seed mixes.
 - Note: work will occur in and around a culverted portion of South Meadow Brook at the new “Mill Park”, but since the stream within the culvert is and will remain covered by and enclosed, wetland jurisdiction is not being claimed there.
- Presentation & Discussion.
 - Staff received a compiled package of plans and narratives that satisfied many prior requests for information, including:
 - Existing conditions plan with all large native trees and existing and proposed topography clearly legible
 - Civil plan sheets (with existing and proposed topography clearly legible)
 - Landscape plan sheets
 - 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
 - Stormwater O&M plan
 - The following questions remained prior to the meeting:
 - Overall
 - The Environmental Monitor name and the scope have yet to be provided/determined.
 - Confirm that Engineering has approved the current stormwater design and O&M plans.
 - Numbers needed for the OOC – square feet of RFA present and to be altered/restored.
 - Stormwater quality improvements – TSS reduction and phosphorus reduction anticipated.
 - Erosion and Sediment Control
 - Better distinction between silt sock only and silt sock with entrenched sediment fence in the site plans.
 - Will Erosion Control Blanket be used anywhere? It is shown in the plans.
 - ESC notes indicate that the operator has a week to repair a “significant” problem. That seems inappropriate.
 - Tree protection
 - Site plans (and site grading plans) are missing 1 or more large trees to be preserved on the west embankment and ~7 on the east embankment. Please show trees to be protected on every sheet of every plan set.
 - Labels on the trees on the site plan are very hard to interpret/inconsistent -- dark text = remove? Light text = protect?
 - In the phased ESC plans, remove the labels of the trees to be removed in phases III and IV; continue to show all trees to be protected.
 - Grading
 - What work will be done along the fence at the top of the eastern embankment? -- fill is trapped behind the fence; it appears that all work will be filling; grading will be tricky around the large trees near the stairs.
 - What is the elevation of the overflow pipe for the detention basin?
 - Construction

- What is the LOW (and vegetation control efforts) around the Tower Road Infiltration System and west of Lattice Road? – plans seem to indicate clearing to the property line.
- Where will stockpiling occur? How will it be kept off the infiltration areas?
- Where is the noted on-site settling area for the construction entrance/exit?
- Will there be any activity beyond/riverward of the 30' x 24' concrete paving viewing platform?
- Existing outfalls to the daylighted stream -- When will they be CCTV'd? Are the locations in the O&M plan right?
- Are the culvert walls at Mill Park strong enough to bear the temporary wood decking and its associated traffic?
- Restoration
 - Where will structural soils be used?
- Maintenance
 - Snow storage – the illustrated areas seem impractically small.
 - Infiltration system inspection ports should be clearly marked on plans.
- These questions were discussed. Agreed-upon solutions are summarized in special conditions below.
- Vote. To close the hearing and issue a **five-year** OOC with the state's required conditions, Newton's special conditions, and the following site-specific special conditions. [Motion: Lunin, Second: Cade; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Katz (abstain), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:1]
- Note: Ellen Katz left the meeting at 7:45 after this vote was taken.
 - No trees shown on the plans to be protected may be damaged during tree cutting/removal, grading, or restoration work. Tree protection must be in place at all times and work conducted in a manner to ensure that branches, trunks, and roots are protected from damage.
 - Prior to the start of work, 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 Environmental Monitor will:
 - *Review and advise on erosion control installations* and make recommendations for proposed changes if necessary to protect the interests of the WPA.
 - *Ensure adherence to the Order of Conditions* and report any non-compliance to the Commission;
 - *Be present on site:*
 1. During the mandatory preconstruction meeting
 2. Upon completion of the installation of erosion controls
 3. Prior to the cutting of trees
 4. Initially and periodically (as necessary) during the removal of invasive shrubs and vines
 5. Initially and periodically (as necessary) during the planting of trees and shrubs.
 - *Have the authority and responsibility to recommend to the Conservation Office work stoppage and/or collaboratively modify site activities* to ensure resource area protection, and/or modify site activities to improve the restoration planting layout and the likelihood of plant survival, so long as modifications are consistent with the intent of the approved plans. The Applicant will be expected to make said changes promptly;
 - *Provide weekly emails to the Conservation Commission and the Applicant* during the time periods when work is being conducted for items c.1-c.5 above. Said emails shall summarize work completed, problems that arose in the Commission's jurisdiction, corrective measure(s) taken, and additional corrective measures suggested.
 - Prior to the start of work, the Stormwater Pollution Prevention Plan (SWPPP), per the NPDES Construction General Permit (CGP), must be submitted to the Conservation Office.
 - Prior to the start of work (and prior to start of each new phase of work), the contractor must submit detailed Erosion and Sediment Control plans (including the location of the settling area for the construction entrance) to the Conservation Office for review and approval.
 - Prior to the start of work (and prior to start of each new phase of work), the contractor must submit stockpiling plans to the Conservation Office for review and approval, particularly to ensure protection of infiltration and restoration areas.
 - Prior to the start of work, trees to be protected must be marked in the field and protected with fencing at the drip line (or the optimal equivalent, as the site allows) as per the plans.
 - Prior to any alterations to the stormwater drainage system, existing outfall pipes to be re-used must be CCTV'd and any required repairs must be made.
 - Prior to initiating work under any phase, the erosion controls must be inspected and approved by a representative of the Conservation Commission. Erosion controls shall be phased as per the approved plans and tailored to site-specific requirements to maximize protection.
 - The stabilized construction entrance (as per the approved plans) must be employed for the duration of construction to prevent tracking of mud and silt onto City streets.

- All invasive removal (e.g., cutting, cutting and grubbing, and cutting and herbicide painting) and all restoration planting (planting bare-root saplings, shrubs, and seedlings; installing live stakes; and hydroseeding with flexible growth medium) must be consistent with the approved plan sheets and narratives.
- The applicant shall utilize the “lower terrace” close to the stream bank and other “micro-terraces” on the steep slope to accommodate sapling and shrub plantings, as needed.
- The applicant shall stake compost socks or coir logs on the steep slope and add topsoil to allow for plantings.
- Regular monitoring and invasive control are critical components of the plan and must be consistent with the approved plan sheets and narratives.
- Reports from the monitoring shall include a summary of work completed, problems notes, and next steps and shall be submitted to the Conservation Office, timely upon completion, twice yearly.
- To be considered successful and for the project to be eligible for a Certificate of Compliance, the planting areas immediately adjacent to South Meadow Brook must achieve stable slopes, a diversity of native plants, and at least 75% aerial coverage by native vegetation; other planting areas within Commission jurisdiction must have 80% survival of all trees and shrubs (exclusive of live-stakes and whips).
- All stormwater management features must be installed as per the approved plans.
- The City Engineer must inspect the infiltration systems. Applicant must submit proof of inspection to the Cons. Office.
- Given the site’s history of extensive use and compaction, the contractor shall over-excavate for the infiltration areas.
- Removal of accumulated organics and debris at the top of the eastern slope, where up to 3 feet of “fill” has been trapped behind the chain link fence will be by hand so as to ensure protection of the trees to remain. Grading in the area shall comport with the plans and shall not damage or bury branches, trunk, or roots of the trees to be preserved.
- To protect the installed natural areas, there shall be no snow stockpiling along the eastern side of the entry drive.
- Landscape plantings on the lower steep embankment closest to the stream must be installed in compliance with the approved plans and sequencing plans (desired changes must be approved by the Conservation office in advance) and must:
 - stabilize all exposed areas
 - have a lush cover of shrubs and perennials and an 80% survival of canopy and understory trees to be considered successful and for the project to be eligible for a Certificate of Compliance.
 - mulch applications, if any, shall be organic leaf litter and shall diminish over time and eventually cease as ground cover species and shrubs spread.
- If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
- Culvert protection must be implemented, as per the approved plans, to ensure that there is no unpermitted alteration of South Meadow Brook where it flow through the culvert in the “Mill Park” portion of the site.
- To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
- To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
- To protect wetland wildlife, exterior lighting shall be limited to “dark sky”, focused lighting. No spotlights or floodlights shall be directed at South Meadow Brook.
- The approved Stormwater Operations and Maintenance Plan has been recorded and must be adhered to in its entirety.
- The owner shall implement the Snow Management Plan and ensure that snow is not stockpiled in the bio-retention area or landscape planting areas. This plan must be incorporated in snow plow contracts and enforced by the owner.

3. 7:50 – 190 Upland Ave – NOI – demo/rebuild single family home – DEP #239-929

- Owner/Applicant. Prasad Sathe
- Representatives. John Rockwood, Eco-Tec
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, BLSF, Buffer Zone
- Project Summary.
 - Remove existing single-family house, construct new single-family house with two-car garage.
 - A portion of house will be on piers to address issues of construction in the flood zone.
 - 3701 cf of grade cutting will result in 356 additional cf of flood storage volume on site (i.e., 110% compensation).
 - Degraded area will be increased by 984 sf.
 - Existing edge of lawn is proposed to be maintained.
- Presentation & Discussion.

- No work is proposed with the Riverfront Area on the site.
- As noted in the application, the wildlife habitat value of the wooded flood zone (BLSF) is significant.
- Two large stumps are identified on the plans, but do not seem to be recent cuts.
- Initial proposed design and large (~25'x13') rear deck would allow for no practical access around the deck. Acceptable solution would be to remove ailing red maple, mitigate, and create a 6' buffer around deck and stairs.
- The stockpile location at rear is part of a phased solution and will no longer be practical once the deck on piers is built. At that point a front stockpile location will be used.
- Stormwater system was enlarged in response to comments from Staff and Engineering.
- The limit of work was proposed to be right up to the deck. After discussion, it was determined that the limit of work and new lawn line will be allowed to be 6 feet from the outer edge of the deck.
- The red maple near the deck may be cut/removed, but must be mitigated for with the addition of 2 native saplings.
- Vote. To close the hearing and issue OOC with the special conditions listed below. [Motion: Gilligan, Second: Hepburn; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]
 - No work may begin on the site until a stormwater O&M plan has been reviewed and approved by Conservation staff. Said O&M plan must be recorded with the Order of Conditions.
 - To mitigate for the loss of the 17" red maple, two native canopy tree saplings and 10 native 3-4 foot tall understory shrubs shall be planted near the lawn/woods line -- species and in locations to be approved by Conservation staff.
 - A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
 - Even if groundwater is encountered higher than expected, approved site grades may not be raised.
 - Stabilized driveway construction entrance(s) will be required for the duration of the construction; and they shall provide a truck wash and prevent tracking of mud and silt onto City streets.
 - The two native canopy mitigation saplings and 10 mitigation shrubs must all survive 2 growing seasons.
 - If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
 - Compensatory flood storage must be provided in its entirety as per the plans.
 - The stormwater infiltration system must be installed as per the approved plans.
 - The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.
 - To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation.
 - To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no herbicides or pesticides shall be used.
 - To protect wetland wildlife, exterior lighting shall be limited to "dark sky", focused lighting. No spotlights or floodlights shall be directed at South Meadow Brook.
 - The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
 - To maintain the flood storage capacity of the site, and to uphold DEP requirements for "unrestricted hydraulic connection" and ensure that flood waters can flow freely under the permitted structure, the area(s) under the permitted structure(s) shall not be enclosed with lattice, screen, lath or covering of any sort that:
 - covers more than 50% of the area of any opening, and/or
 - has openings/holes with any dimension less than 1 inch.

4. 8:20 – 43 River Ave – NOI – demo single family home/rebuild 2 family home – DEP #239-931

- Owner/Applicant. Dina Onur
- Representatives. John Rockwood, Eco-Tec; Tom Ryder, RAV Engineering; Edmond Spruhan, Engineer
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, BLSF, Buffer Zone
- Project Summary.
 - Remove existing single-family house, construct a two-family house with 2 one-car garages.
 - Increase degraded area by 1,859 sf.
 - Cut 13 trees (247"), many of which are ailing. The Tree Ordinance is requiring mitigation for 4 of them (98").
 - Install 3,850 sf mitigation planting area: 18 saplings, 110 larger shrubs, 40 small shrubs. That is 132 sf (3%) more than the minimum required by the state.
- Presentation & Discussion.

- The applicant noted that a special permit is required for this project and that the applicant was working with the City Forester on a tree cutting and mitigation plan.
- Staff appreciate the environmental benefits of denser development, but the details of the plan are not fully worked out.
- BLSF performance standards are of limited relevance because only mitigation planting (no grade change) is proposed.
- There is a lot of tree cutting proposed.
 - Staff felt that most of the cutting is justified by virtue of a combination of poor tree health and the challenges Norway maples pose to mitigation plantings.
 - Staff felt, however, that two of the trees (T4: box elder and T8: apple) proposed to be removed could be saved for now to maintain some of the mature canopy while the mitigation plantings become established. This might require slight reorientation of the infiltration chambers.
- The 3,850 sf mitigation planting area is large and robust however:
 - 6" white cedars and 6' white spruces seem too large to have a good chance of survival.
 - The proposed mitigation planting area mitigates for the expansion of degraded area. It is 132 sf (3%) more than the minimum required by the state. The Commission should discuss whether there should be additional mitigation for tree cutting nearer the river.
- Low-bush blueberry and bearberry were substituted with larger species with a better chance of survival.
- The stormwater infiltration system may need redesigning since in the test pit, refusal was at 98', but the "bottom of stone" is shown to be at 93.7', well below refusal, so how will infiltration be achieved?
- The "operation and maintenance drainage system" document references a "post construction operation and maintenance plan". Is that different than the "operation and maintenance drainage system" document?
- The operation and maintenance drainage system" document only mentions that the infiltration beds should be "inspected" and "jet/vacuumed" "as required". There is no detail about how to inspect, what to look for, or how to clean. For a residential site/owner, this seems insufficient.
- The Commission asked for:
 - Modifications to stormwater system, and ensure that Engineering has approved the stormwater management system under the City's new stormwater ordinance and regulations, prior to issuing an OOC.
 - Modifications to the O&M Plan.
 - Modifications to address possible preservation of two trees (T4: box elder and T8: apple).
- Site-specific special conditions for OOC will likely include:
 - Must install infiltration system.
 - Must install the planting area.
 - Must install bounds – add bounds along the northern property line.
 - A perpetual condition prohibiting further alteration within the restoration or mitigation area.
- Vote. To continue the hearing to 9/1/2022 at 8:00 pm to allow for the sought plan modifications noted above, with materials due by 8/22 at noon. [Motion: Cade, Second: Zabel; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]

5. 8:50 – 34 Brookside Rd – NOI – demo single family home/rebuild 2 family home – DEP #239-930

- Owner/Applicant. Anthony Gagliari, Bond Development
- Representatives. John Rockwood, Eco-Tec; Edmond Spruhan, Engineer
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, Buffer Zone
- Approved Project Summary:
 - Remove existing single-family house, construct a two-family house with 2 one-car garages.
 - In recognition of the fact that conversion of lawn to a patio is exempt under 310 CMR 10.02, the Conservation Commission is approving the construction of the patio as shown as part of this approved project.
 - Increase degraded area by 1,433 sf.
 - Cut 1 38" northern red oak.
 - Install 2,840 sf mitigation planting area: 13 saplings, 44 shrubs and groundcovers.
- Presentation & Discussion.
 - Staff appreciate the environmental benefits of denser development.
 - Staff felt that the proposed patio should be included in the proposed degraded area, since it is being placed where the one mature tree is on the site (i.e., not in existing lawn).

- The 2,840 sf mitigation planting area achieves the minimum required by the state because some of the planting area qualifies as restoration.
- Low-bush blueberry and bearberry have been substituted with alternate species which have a better chance of survival.
- Staff noted that the mitigation planting area did not have dimensions on either the civil plan or the planting plan.
- A revised stormwater plan was received and addressed the following issues:
 - “Damp sand below” the mottling could indicate that seasonal high groundwater is higher than indicated
 - Stormwater infiltration system #1 now has appropriately placed inlet
 - Inspection and maintenance details for infiltration system #1 (under the paved driveway.)
- Vote. To close the hearing and issue an OOC with the state’s required conditions, Newton’s special conditions, and the following site-specific special conditions: [Motion: Zabel, Second: Gilligan; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]
 - No work may begin on the site until a stormwater O&M plan has been reviewed and approved by Conservation staff. Said O&M plan must be recorded with the Order of Conditions.
 - Even if groundwater is encountered higher than expected, approved site grades may not be raised.
 - Landscape plantings within Commission jurisdiction must be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance) and must:
 - Be bounded, as shown on the plans.
 - Have a survival rate of 80 % of total number of trees (after 2 growing seasons)
 - Have a survival rate of 80 % of total number of shrubs (after 2 growing seasons)
 - Stabilize all exposed areas
 - Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
 - If the Japanese maple tree intended to be protected within the project area dies within 2 years of the start of construction as a result of the construction or has been demonstrably harmed by construction activities, it shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
 - The stormwater infiltration system must be installed as per the approved plans.
 - The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Conservation Office.
 - To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation.
 - To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no herbicides and pesticides shall be used.
 - To protect wetland wildlife, exterior lighting shall be limited to “dark sky”, focused lighting. No spotlights or floodlights shall be directed at Cheese Cake Brook.
 - The required mitigation/enhancement planting area(s) shall be maintained in perpetuity in its/their predominantly natural condition.
 - The approved Stormwater Operations and Maintenance Plan is appended hereto and must be adhered to.

6. 9:20 – 518 Quinobequin Rd – NOI – demo/rebuild single family home – DEP #239-928

- Owner/Applicant. Vsevolod Vagodny
- Representatives. John Rockwood, Eco-Tec; Tom Ryder, RAV Engineering
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA
- Project Summary
 - Remove existing single-family house, construct new single-family house with two-car garage.
 - Degraded area will be increased by 99 sf.
 - Install a 350 sf (3.5 : 1) mitigation planting area: 14 shrubs and 14 small shrubs/groundcover.
 - No trees will be cut; no grade changes area shown on the plans.
- Presentation & Discussion
 - The project was deemed to fully comply with the Riverfront regulations.
 - The O&M plan was noted to be a mixture of pre-construction, construction period, and post-construction information (confusing to the landowner). The O&M plan contains no specifics about the infiltration system (what the components are, how to inspect, what to inspect for, or how to clean). The Commission required modifications to the O&M plan.
 - Staff noted their concerns about the health/safety of the 24” tree shown inside the erosion control line. Robust tree protection will be required in the field.
 - Low-bush blueberry will be substituted with a more viable low-growing species.

- Engineering needs to approve the stormwater management system under the City’s new stormwater ordinance and regulations prior to issuing an OOC.
- Site-specific special conditions were discussed in brief, including:
 - Installation of the infiltration system.
 - Installation of the planting area.
 - Installation of the bounds.
 - A perpetual condition prohibiting further alteration within the restoration or mitigation area.
- Neighbors Bonnie Greenberg and Robert and Judy Levy noted historic flooding events and asked whether this project would exacerbate flooding. Staff responded, noting that grades would not change at all and that impervious area was being increased very minimally, and so stormwater should not be adversely affected.
- Vote. To continue the hearing to 9/1/2022 at 8:30 pm for a revised Stormwater O&M plan. [Motion: Lunin, Second: Zabel; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]

7. 9:35 – 21 Albemarle Rd – NOI – driveway expansion – DEP #239-932

- Owner/Applicant. Devanshu Mehta
- Representatives. Ryan Roseen, Goddard Consulting
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA
- Project Summary.
 - Enlarge paved driveway by 310 sf to allow two cars to be parked side by side.
 - Install a 620 sf mitigation planting area: 4 trees and 10 shrubs (from a list of possible species)
- Presentation & Discussion.
 - Legally, for the hearing to be opened, the City (Parks and Rec) needed to sign as co-applicant since the planting area is proposed to be on City land. The Commissioner of Parks and Rec did sign the NOI.
 - Staff felt that mitigation plantings along Cheese Cake Brook could have value, but the details were not worked out sufficiently to allow for closure.
 - There must be some sort of a license agreement or MOU with Parks and Rec for long-term maintenance by the applicant or an agreement that PRC will undertake maintenance and agree to “prohibiting further alteration within the restoration or mitigation area”. Await MOU/license agreement.
 - Staff suggested that Parks and Rec should consider creating a master plan to which residents interested in off-site restoration/mitigation could contribute.
 - The sf amount of driveway expansion and corresponding required mitigation were clarified.
 - The project narrative states that 620 sf of mitigation planting area will be installed, but the area shown on the planting plan is ~1,400 sf, with plants shown at ~10 feet on center.
 - Staff raised concerns about how the area between the plantings would be treated and maintained: lawn? mulch? groundcover? Proposed planting plan could make mowing along the stream difficult, and mowing could endanger the mitigation plantings.
 - The planting plan indicates that 4 trees and 10 shrubs will be planted from a list of possible species. Staff feel that speckled alder is not a tree but more of a shrub, and that some species of the shrubs listed (such as low-bush blueberry and sweet fern) have significantly less wildlife habitat value per plant (due to diminutive size) than other species. Ensure that an appropriate plant list is provided (species list and size).
 - The planting area should be bounded to ensure permanent protection under 10.58(5)(h)
 - The Commission would like to receive planting plan modifications to clarify actual boundaries, species and sizes, surface treatment, and spacing.
- Vote. To continue the hearing to 9/22/2022 at 7:00 pm to allow for revised plans (see concerns listed above) and clear coordination with Parks and Rec. [Motion: Gilligan, Second: Zabel; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]

8. 9:55 – 71 Harwich Rd – NOI – demo/rebuild single family home – DEP #239-933

- Owner/Applicant. Vlad Vilkomir, GS Harwich 71 LLC
- Representatives. Debbie Anderson (wetland consultant), Tom Ryder (RAV Engineering)
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans

- Additional documents presented at meeting. Site photos
- Jurisdiction. BZ only
- Project Summary.
 - Remove existing single-family house, construct new single-family house.
 - Increased impervious area by 1,030 sf.
 - Cut all but one tree on the site.
- Staff Comments.
 - Staff noted many short-comings of the application:
 - Cover letter cites the history of a different site and different owner.
 - Trees were not characterized (size and species were not indicated) on the site plan. Plans should be augmented to show the size and species of each existing trees and the existing lawn line.
 - The applicant should be aware of the City's the tree ordinance.
 - The BVW line was not well documented (based on soils).
 - Plans for the stormwater management system must be revised with a proper site plan, test pit data, and an O&M plan.
 - Mitigation should be proposed for the proposed tree cutting and footprint expansion.
- Staff suggested considering moving the house closer to the street
- Vote. To continue the hearing to 9/22/2022 at 7:30 pm with materials due on 9/6/22. [Motion: Cade, Second: Lunin; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]

9. 10:05 – 483-655 Dedham St – COC – Ponds at Charles River Country Club – DEP #239-799

- Owner/Applicant. Paul Blanus, Charles River CC
- Representatives. Paul McManus, Eco-Tec
- Request. Issue COC.
- Discussion. All the work was completed, but the documentation of that work was not clear. Staff asked for a memo summarizing all the work done under the Order.
- Vote. To close the hearing and issue a complete COC, pending receipt of a summary document that documents the work that was done (not just the grading.) [Motion: Gilligan, Second: Cade; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]

10.10:15 – 1 Nonantum Rd – COC – fence installation at Daly Rink – DEP #239-745

- Owner/Applicant. Theresa Foster, Newton Country Day
- Representatives. Erik Bednarek, VHB
- Request. Issue COC.
- Vote. To close the hearing and issue a complete COC. [Motion: Zabel, Second: Hepburn; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]

11.10:30 – 28 Olde Field Rd – COC – addition to existing single-family home – DEP #239-855

- Owner/Applicant. Punam Sharma
- Representatives. Punam Sharma
- Request. Issue COC.
- Vote. To close the hearing and issue a complete COC. [Motion: Lunin, Second: Gilligan; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]

B. 10:35 – CONSERVATION AREA DECISIONS – none at this time

C. 10:45 – ADMINISTRATIVE DECISIONS – none at this time

12. Minutes to be approved

- Documents in packets. Draft 7/21/22 minutes as edited by Leigh Gilligan.
- Vote. Vote to approve the 7/21/22 minutes. [Motion: Cade, Second: Lunin; Roll-call vote: Cade (aye), Green (aye), Hepburn (aye), Lunin (aye), Zabel (aye); Gilligan (aye), Vote: 6:0:0]
- Volunteer. Kathy Cade will volunteer to review the 8/11/22 minutes.

D. 10:45 – ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

E. 10:45 – WETLANDS UPDATES – none at this time

F. 10:45 – CONSERVATION AREA UPDATES – none at this time

G. 10:45 – ADMINISTRATIVE UPDATES – none at this time

H. 10:45 – ISSUES AROUND TOWN UPDATES – none at this time

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

ADJOURN