

# CONSERVATION COMMISSION MINUTES

Date: Thursday, October 13, 2022

Time: 7:00pm – 10:03pm

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

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

**Members Present:** Dan Green (Chair) (joined at 7:10), Susan Lunin (Vice-Chair), Kathy Cade, Judy Hepburn, Jeff Zabel, Leigh Gilligan.

**Members Absent:** Ellen Katz, 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. 120 Wells Ave – NOI – redevelopment for a day care center – DEP #239-940

- Owner/Applicant. Hartford Properties, LLC for WillowBend-One Twenty Wells Ave, LLC
- Representatives. Timothy Hayes, Kevin Sifuentes from Bohler Engineering; Morgan Hill Konstandinidis from Hartford Properties
- Proposed Project Summary.
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Buffer Zone to BVW
- Presentation (Tim Hayes) and Discussion.
  - The applicant summarized the project
    - Repurpose existing building to become a daycare – no change to the building exterior.
    - Cut 4 mature trees (~40" of 3 spruce and 1 basswood) in a landscaped area and do minor grading.
    - Install play area and trike track, altering only 243 sf of buffer zone.
    - Install crushed stone infiltration system under play area.
    - 2674 sf of buffer zone will be affected.
  - A planting plan submitted this day indicated that tree cutting will be mitigated with the planting of 2 red maple trees and 5 native understory trees.
  - Staff suggested and the applicant agreed to install erosion controls along Wells Ave.
- 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: Lunin, Second: Green; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0].
  24. Properly entrenched silt fence, must be installed along Wells Ave. within the buffer zone.
  25. Adequate protection must be installed for the trees that are due to remain on the site within the buffer zone. This may include the addition of orange snow fencing near the drip line, boards tied to the trunk, and/or mulch and plywood placed over the roots.
  31. 2 native canopy trees and 5 native understory trees must be planted within the buffer zone as per the approved plans to compensate for the removal of mature trees on the site.
  32. 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).
  34. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
  35. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.



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

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

36. To protect wetland wildlife, exterior lighting shall be limited to “dark sky”, focused lighting. No spotlights or floodlights shall be directed at the wetland across the street.

## **2. Newton South High School Stadium Turf Field – Informal Discussion -- Greg Mellett (PRC) presentation**

- Owner/Applicant. Parks, Recreation & Culture
- Representatives. Greg Mellett, Luis Perez Demorizi, and Nicole Banks of PRC; Mike Dodson, Glen Howard, and Mel Harclerode of CDM Smith.
- Proposed Project Summary.
  - Replace turf (carpet and in-fill) and replace the rubber surface on the track in stadium field in the summer of 2023.
- Request. Provide preliminary feedback
- Documents in packets. none
- Additional documents presented at meeting. Aerial photos, PowerPoint presentation by applicant team
- Jurisdiction. Buffer Zone
- Presentation (the whole applicant team) and Discussion.
  - Staff notes summarized initial concerns about the installation of artificial turf in 2009. At the time of initial installation of artificial turf there was a great deal of discussion about water quality. The Commission’s OOC was appealed by 14 Newton Petitioners; they believed that the Newton Conservation Commission’s conditions did not go far enough in ensuring that the leachate from the fields would not harm the wetlands. DEP issued a superseding OOC with testing requirements and “snout” catch basins. The petitioners appealed the S-OOC. A Settlement Agreement recognized the Superseding Order of Conditions as the final permit of record with conditions requiring water quality sampling, catch basin cleaning, trench drain cleaning, vinyl screening, lead testing of the carpet, herbicide and pesticide restrictions, sediment sampling, and irrigation well water testing.
  - The applicant team presented a PowerPoint slide show, indicating that the 8-10 year life span of the turf and track had been exceeded, and that they were visiting other sites, reviewing in-fill options, and weighing the pros and cons of each.
    - Non-organic: SBR (Crumb Rubber Recycled Tires), EPDM (Post Industrial Recycled Rubber), EPDM (Virgin Rubber), and TPE (Thermo Plastic Elastomer)
    - Organic: Cork and Coconut Mixture, Cork, Southern Pine, Acrylic Coated Sand.
  - There was a brief discussion of the SAK testing done in roughly 2012, 2013, and 2014. Greg Mellett indicated that no serious contamination was found.
  - Next steps for the applicant team were outlined:
    - Flag the wetland
    - Submit an NOI

## **3. 43 River Ave – continued NOI – demo single family home/rebuild 2 family home – DEP #239-931**

- Owner/Applicant. Dina Onur
- Representatives. John Rockwood, Eco-Tec
- Proposed 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.
- Request. Issue OOC
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. RFA, BLSF, Buffer Zone
- Presentation (John Rockwood) and Discussion.
  - John Rockwood noted that a new stormwater management system was designed to comply with the City’s new stormwater management ordinance.
  - John Rockwood noted (and staff concurred) that all but one of the staff’s comments had been addressed in revised plans; he reiterated all the revisions to the plans.
  - In response to staff concerns about mitigating for the tree cutting, John Rockwood suggested adding 4 native canopy trees to the mitigation area. Commissioners concurred.

- 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: Cade, Second: Gilligan; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0].
  21. No concrete wash water or other wastes may enter the storm drain system.
  30. The construction sequence noted on Sheet 2 must be adhered to.
  31. The grading and retaining walls along the north and south property lines must be installed as per the plans to ensure that runoff will not be directed to abutting properties.
  32. The stormwater infiltration system must be installed as per the approved plans.
  33. The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Conservation Office.
  34. The following plan notes must be adhered to:
    - a. The stumps located within the limit of work will be removed.
    - b. As noted on Sheet 2, the three stumps in the Mitigation Area near the river will not be removed; they will be cut short and the two Norway maple stumps will be treated to prevent sprouts.
    - c. 12” of high-quality loamy topsoil will be added in the upper portion of the Mitigation Area and rototilled in immediately prior to planting.
  35. 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:
    - a. Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate filling of the entire mitigation area.
    - b. Include 4 additional native canopy saplings within the mitigation planting area in addition to the approved “Revised Planting Schematic for Enhancement Planting Area, 43 River Avenue, Newton” prepared by EcoTec, last revised August 7, 2022”
    - c. Be bounded, as shown on the plans with bounds that: (1) are 4”x4”x36” stone or concrete post, (2) have instructive language regarding the required protection, (3) have at least 6” maintained above grade, and (4) are placed at every boundary corner and never more than 20 feet apart.
    - d. Have a survival rate of 80 % of total number of trees (after 2 growing seasons)
    - e. Have a survival rate of 80 % of total number of shrubs (after 2 growing seasons)
    - f. Stabilize all exposed areas.
    - g. Mulch applications shall diminish over time and eventually cease as shrubs spread.
    - h. Invasives species must be managed and minimized. If herbicides are use, manufacturer’s recommended directions must be followed.
  36. 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).
  38. No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Chief Environmental Planner.
  39. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
  40. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators no pesticides shall be used.
  41. To protect wetland wildlife, exterior lighting shall be limited to “dark sky”, focused lighting. No spotlights or floodlights shall be directed at Cheesecake Brook.
  42. The required Riverfront Area mitigation planting area shall be maintained in perpetuity in its predominantly natural condition as per 310 CMR 10.58 and shall remain bounded with the bounds exposed at least 6 inches.
  43. The approved Stormwater Operations and Maintenance Plan is appended hereto and must be adhered to.

**4. 71 Harwich – continued NOI – single-family home demo and construction – DEP #239-933**

- Owner/Applicant. Vlad Vilkomir, GS Harwich 71 LLC
- Representatives. Debbie Anderson, wetland scientist; Tom Ryder, engineer
- Project Summary.
  - Remove existing single-family house, driveway, and landscaping, construct new single-family house, driveway, and bounded mitigation planting area.
  - Cut all trees on the north side of the site.
  - Increase overall impervious area ~451 sf.

- Install a 1,568 sf wetland mitigation planting area. (NOTE: These numbers represent an increase over the applicant's proposal, following Commission discussion.) The planting area will contain: 4 canopy trees, 7 understory trees, 36 shrubs, and 57 groundcover plants.
- Install a 426 sf pollinator garden strip using a native Meadow Seed Mix.
- Request. Issue OOC
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. BVW (for plantings) and BZ (for construction)
- Presentation (Debbie Anderson) and Discussion.
  - Staff noted that revised plans were received that revised (correctly located) the wetland line, revised the tree information, reduced the size of the driveway, eliminated the rear deck, and had a wetland mitigation planting area.
  - Staff noted that other staff concerns had been addressed, such as: extended walls to limit runoff to abutting properties, and stairs to access the rear mitigation areas.
  - Staff noted that the erosion control line is still too close to the limit of grading to be practicable, but that the operators will have to work within that limitation.
  - Commissioners noted the need for the mitigation/restoration planting area to fully comply with the Commission's mitigation planting guidelines and so recommended at least 2 additional canopy trees and plantings sufficient to fill the expanded wetland area, details to be resolved in revised plan approved by staff.
- 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: Gilligan, Second: Lunin; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0].
  - There shall be no alteration to existing vegetation beyond the current edge of lawn.
  - To avoid soil compaction, there shall be no vehicular access through or laydown within the wetland or the 10-foot buffer around the wetland.
  - Concrete washout must occur outside wetland jurisdiction.
  - Finished grades shall not be increased, even if high groundwater is encountered, without revised plans being reviewed and approved by Conservation in advance.
  - 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.
  - The retaining walls on the side property lines must be and remain elevated 4-6" above the higher grade to capture all overland runoff and keep it on site.
  - Restorative and mitigation 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 installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate filling of the entire mitigation area.
    - Be bounded, as shown on the plans, with 6 bounds that: (1) are 4"x4"x36" stone or concrete post, (2) have instructive language regarding the required protection, (3) have at least 6" maintained above grade, and (4) are placed at every boundary corner and never more than 20 apart.
    - Have a survival rate of 100% of total number of trees (after 2 growing seasons)
    - Have a survival rate of 80% of total number of shrubs (after 2 growing seasons)
    - Have a survival rate of 80% aerial coverage of all plants (after 2 growing seasons)
    - Stabilize all exposed areas
    - Mulch applications in the wetland, if any, shall diminish over time and eventually cease as ground cover species and shrubs spread.
    - Invasives species must be managed and minimized. If herbicides are use, manufacturer's recommended directions must be followed.
  - 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).
  - No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Chief Environmental Planner.
  - The retaining walls on the side property lines must be and remain elevated 4-6" above grade to capture all overland runoff and keep it on 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 “dark sky” compliant -- i.e., shielded to prevent any “up lighting” and “backlighting”, focused, and directed so as to not illuminate any part of the wetland.
  - have limited blue content to decrease skyglow and disruption of diurnal animals
  - be switched off when not in active use

**5. 27 Cross St – NOI – demo and construction of two-family house -- DEP #239-939**

- Owner/Applicant. Gabriel Askarinam
- Representative. Joe Orzel, Lucas Environmental
- Proposed Project Summary.
  - Demolition of the existing single-family residence, shed, and driveway
  - Construction of a two-family dwelling on piers, driveway, stormwater infiltration systems, and mitigation planting area.
  - The proposed project will result in an overall increase in impervious area on the lot of approximately 1,762 square feet.
  - The proposed project will result in an increase in the flood storage capacity on the site of approximately 3,041 cubic feet
  - The applicant proposes to install a 3,600 sf mitigation planting area at the rear of the lot.
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Bank (won't be altered), Land Under Water Bodies and Waterways (won't be altered), RFA, BLSF (39' NAVD88 or 45.5' CNVD)
- Presentation (Joe Orzel) and Discussion.
  - Revised plans were presented showing:
    - reduced impervious area
    - shifted structure entirely outside of the 25-Foot Buffer Zone to Cheesecake Brook
    - expanded, bounded Riverfront mitigation area now 2:1 to proposed new impervious area:
      - 6 Red Maple · 14 American Hazelnut
      - 6 Red Oak · 14 Maple-leaved Viburnum
      - 6 Yellow Birch · 14 Mountain Laurel
      - 6 Black Cherry · 14 Black Chokeberry
      - Seed Mix · 14 Witchhazel
  - Staff noted that the project now meets the minimum Riverfront Area performance standards of 10.58(5) and that the appropriate compensatory flood storage has been provided.
  - Commissioners noted their appreciation for the applicant's team's cooperation and professionalism.
  - There was discussion about the challenges caused by Norway maples dominating mitigation planting areas, so the Commission noted their inclination to approve a request to cut more of the Norway maples around the mitigation area.
- 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: Cade; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (abstain); Zabel (abstain). Vote: 4:0:2].
  - 22. Grades are not proposed to be changed and shall not be raised.
  - 23. Finished grades may not deviate from the approved plans, even if high groundwater is encountered.
  - 24. No mature trees are proposed to be cut, but if the applicant determines that Norway maples should be cut, he/she may seek a Minor Plan Change from the Commission to allow said cutting and replacement.
  - 32. If dewatering proves necessary, 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.
  - 33. If concrete washout must occur, a concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
  - 34. The new duplex structure must be built on piers as per the approved plans.
  - 35. No component of the structure may be enclosed in any way that deviates from the Conservation Commission's guidelines for Construction in Flood Zone
  - 36. Compensatory flood storage must be provided in its entirety as per the plans.
  - 37. The stormwater infiltration system must be installed as per the approved plans.
  - 38. The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.

39. The mitigation planting area must:
- a. Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate filling of the entire mitigation area.
  - b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
  - c. Be installed and maintained in such a manner as to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check. Mulch applications, if any, shall diminish over time and eventually cease as ground cover species and shrubs spread.
  - d. Have a survival rate of 80 % of total number of trees (after 2 growing seasons)
  - e. Have a survival rate of 80 % of total number of shrubs (after 2 growing seasons)
  - f. Have a survival rate of 80 % aerial coverage of seed mix plants (after 2 growing seasons)
  - g. Be bounded, as shown on the plans, with bounds that: (1) are 4"x4"x36" stone or concrete post, (2) have instructive language regarding the required protection, (3) have at least 6" maintained above grade, and (4) are placed at every boundary corner and never more than 20 feet apart.
  - h. Stabilize all exposed areas
  - i. Invasives species must be managed and minimized. If herbicides are use, manufacturer's recommended directions must be followed.
40. 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).
43. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
44. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
45. To protect wetland wildlife, exterior lighting shall be limited to "dark sky", focused lighting. No spotlights or floodlights shall be directed at Cheesecake Brook.
46. The required bounded Riverfront mitigation area shall be maintained in perpetuity in its predominantly natural condition.
47. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
48. To maintain the flood storage capacity of the site, and to uphold DEP requirements for "unrestricted hydraulic connection", there shall be no enclosure of the structure other than the minimal skirting allowed under the Conservation Commission's guidelines for Construction in Flood Zone (approved 10/8/20), i.e., the structure shall not be enclosed with lattice, screen, lath or covering of any sort that:
- a. covers more than 50% of the area of any opening, and/or
  - b. has openings/holes with any dimension less than 1 inch.

#### **6. 40 Albemarle Rd – informal discussion -- location of mitigation area – DEP #239-880**

- Owner/Applicant. Jeremy Osinski
- Representatives. Jeremy Osinski
- Proposed Project Summary.
  - Replace the larger on-site 1,350 sf mitigation area with an off-site 4,050 sf mitigation area (16' x 250') within the immediate riverfront area of Cheesecake Brook, on City-owned land. The 540 sf mitigation area would remain on-site.
    - Restore what is currently lawn and scattered shrubs along Cheesecake Brook with a robust mitigation planting area to be maintained in perpetuity.
    - A 3.5- to 4-foot-wide strip of lawn would remain along Albemarle Road for snow storage
    - Remove limited invasive shrubs from the planting area
    - Remove several stems of an undesirable plant (i.e., American pokeweed which bears toxic fruit)
    - Remove understory shrubs near ash trees
    - Scalp the existing lawn area before planting
    - Plant native saplings, shrubs, and groundcover following the Commission's guidelines and density best practices;
    - Apply organic leaf litter mulch to control weed growth.
  - Other proposed changes (totaling ~43 sf of increased impervious area onsite) include:
    - Allow the one mature pear tree onsite, originally planned to be removed to remain and adjust the grading around it
    - Level off the slope along Nevada Street with an 18" – 30" retaining wall
    - Plant lawn and planting beds in the area of the original mitigation area
    - Remove the originally approved shed

- Reduce the front walkway
- Expand the rear patio on a pervious bed
- Add 128± square feet of wooden egress stairs and AC pads
- Define the gravel paths.
- Request. Would the Commission entertain the proposed changes as an amended Order of Conditions 239-880 and if so, what materials would need to be submitted or developed?
- Documents in packets. Aerials with mitigation areas shown
- Additional documents presented at meeting. Summary information and aerials with plans overlaid.
- Jurisdiction. RFA
- Presentation (Jeremy Osinski) and Discussion.
  - Jeremy Osinski walked the Commission through his interests/intentions. He noted Parks, Recreation & Culture’s support for his proposed planting area on City land.
  - Commissioners noted that consideration of such requests will be considered on a case-by-case basis, not under one umbrella set of guidelines.
  - Commissioners noted their general support for such a robust renaturalization of the corridor along Cheese Cake Brook.
  - Commissioners noted that the City’s Legal Department would need to consent to the proposal and help develop legal documents to address: (1) rights/obligations for plant installation, (2) rights/obligations for plant maintenance (in the short-term), and (3) the City’s perpetual obligations for maintenance that would have to run with the City’s land along Cheese Cake Brook.
  - Commissioners noted that to amend the OOC, the applicant would have to submit appropriate legal documents (whether easement, license, covenant, or other), a revised site plan, and a planting plan.
  - One Commissioner noted that this case could have implications as a precedent.

**7. 401 Albemarle Rd – COC – tear down single-family/construction of new duplex -- DEP #239-835**

- Owner/Applicant. John Umina
- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Staff Notes. All necessary paperwork was received for this COC request. A site visit on 10/3/22 confirmed almost full compliance with the approved plans and conditions and the necessary survival rate of plants. 2 additional native shrubs were just planted to fill in one “hole”.
- Vote: To issue a complete COC (with no additional monitoring requirement for the 2 new shrubs). [Motion: Gilligan, Second: Lunin; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0].

**8. 10-12 Cross St – COC – tear down single-family/construction of new duplex – DEP #239-847**

- Owner/Applicant. Andrea and Vincent Forsythe
- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Staff Notes. All necessary paperwork was received for this COC request. A site visit on 10/3/22 confirmed full compliance with the approved plans and conditions and the necessary survival rate of plants. The site visit also confirmed the importance of having permanent bounds raised above grade, so they do not get covered by mulch.
- Vote: To issue a complete COC. [Motion: Zabel, Second: Hepburn; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0].

**9. 53 Wendell Rd – COC – pool installation in rear yard -- DEP #239-852**

- Owner/Applicant. Ron and Karin Zalkind.
- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Staff Notes. All necessary paperwork was received for this COC request. A site visit on 10/5/22 confirmed full compliance with the approved plans and conditions and the necessary survival rate of plants.
- Vote: To issue a complete COC. [Motion: Cade, Second: Zabel; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0].

**B. CONSERVATION AREA DECISIONS**

## 10. Informal Discussion re beekeeping in Old Deer Park -- Mark Lewis

- Documents in packets. The current beekeeping policy
- Presentation (Mark Lewis) and Discussion
  - Mark Lewis gave a summary “annual report” on his beekeeping activities at the Old Deer Park:
    - Hives: He has 5 ½ hives (3 over wintered and he has 2 more). He expects to have 4 over this coming winter.
    - Science: He has collected pollen for analysis by a Penn State person to determine what his bees feed on. This will help inform discussions about competition with native bees.
    - Compliance: MDAR inspected 2x, he has a sign up now that the Old Deer Park is open to the public, he is working toward becoming a master beekeeper (through Cornell)
    - Education: He works with Classroom Hives (only 3-4 classrooms now because of a complete shutdown during COVID); he led an online course for Boston Area Beekeepers; he is pursuing a connection with John Cheetham through NEC.
    - Stewardship: He conducts clean-ups in the area; he would like to increase native bee habitat by installing “bee hotels”.
  - Alan Noguee (native bee supporter) noted a number of studies that show that honeybees compete with native bees for food. He noted that Richard Primack’s recent local study showed that honeybees and native bees feed on many of the same plants. He stated that he did not know what density of honeybees created significant competition, but urged the Conservation Commission to be conservative and ban honey bees on Conservation land. Noguee also stated that bee hotels may increase the spread of disease and urged consideration of “sand boxes” instead.
  - Staff noted that the Commission’s revised beekeeping policy states that only 2 hives shall be allowed on conservation land, but the Mark Lewis is currently licensed for 6 – “A license for a larger apiary may be granted if there is a public purpose that is ecological, scientific, or educational.”
  - Commissioners thanked Lewis for his contribution of honey for the guests at the dedication of the Ira Wallach Trail.

## C. ADMINISTRATIVE DECISIONS

### 11. Minutes to be approved

- Documents in packets. Draft 9/22/22 minutes as edited by Ellen Katz.
- Vote to approve the 9/22/22 minutes. [Motion: Cade, Second: Lunin; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0]
- Volunteer. Dan Green will volunteer to review the 10/13/22 minutes.

## D. ISSUES AROUND TOWN DECISIONS – none

## UPDATES

## E. WETLANDS UPDATES – none

## F. CONSERVATION AREA UPDATES

12. Kathy Cade noted the successful ceremony of dedicating 3 new memorial benches at Norumbega for the Abernathys, Cogginses, and Faulkners this past weekend.

## G. ADMINISTRATIVE UPDATES – none

## H. ISSUES AROUND TOWN UPDATES – none

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

### 13. Enforcement Order – 1 Nonantum Road – DCR/Newton Yacht Club – tree cutting and stormwater.

- Staff Comments. Still no response from DCR in response to multiple reminders about the need for mitigation plantings (for the cutting of the row of pines along the fence) and stormwater improvements (agreed to in the MOU with the Yacht Club) on their land.
- Vote to issue an enforcement order. [Motion: Cade, Second: Gilligan; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0]

### 14. Enforcement Order – Parkway Road – DCR/Abutter – unpermitted cutting, grading, paving

- Staff Comments. Still no response from DCR in response to multiple requests to address the situation on their land. An abutter cleared and graded to create parking on the DCR side of Parkway Road. City DPW staff dumped millings to “pave” the area. The millings have been removed, but the grading, clearing, and parking remain.
- Vote to issue an enforcement order. [Motion: Lunin, Second: Zabel; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0]



**15. Request for Minor Plan Change – 135 Selwyn Rd – Laura Chandra – DEP file #239-912**

- Staff Comments. The applicant intends to reduce the scope of the project
  - Interior renovation of the current structure (kitchen, layout, living room, heating system, windows)
  - No second story addition
  - No first-floor addition off the back of the house.
  - No replacing the stairs by the 2nd entrance
  - No change to the deck
  - Replace siding and roof shing
  - None of the original Riverfront mitigation planting
- Discussion and Consensus
  - Since the project has been reduced to interior and siding/roofing work only, the Commission recommends a request for a Certificate of Compliance for “work never initiated”. Conservation staff can sign off administratively on the new proposed work.
  - The Commission noted that it is still necessary to address the prior unpermitted cutting on the “adjacent City parcel”. They charged staff with sending a notice of violation and working to develop an appropriate mitigation planting plan In keeping with the Commission’s Tree Replacement Guidelines for the Conservation Office to review and approve.

**16. 133 Harwich – COC – pool installation in rear yard -- DEP #239-852**

- Owner/Applicant. Ron and Karin Zalkind.
- Request. Issue COC.
- Staff Notes. All necessary paperwork was received for this COC request. A site visit on 10/13/22 confirmed full compliance with the approved plans and conditions and the necessary survival rate of plants.
- Vote: To issue a complete COC. [Motion: Lunin, Second: Hepburn; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0].

***ADJOURN***

- Vote to adjourn at 10:03. [Motion: Cade, Second: Gilligan; Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye); Gilligan (aye); Zabel (aye). Vote: 6:0:0]