

CONSERVATION COMMISSION MINUTES

Date: Thursday, November 3, 2022

Time: 7:00pm – 9:16 pm

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: Susan Lunin (Vice-Chair), Dan Green (Chair) (joined at 7:10), Kathy Cade, Judy Hepburn, Jeff Zabel, Leigh Gilligan, Ellen Katz

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. 7:00 – 1 Malvern Terrace – OOC extension request – demo/construct SFH -- DEP #239-808

- Owner/Applicant. Mandayam (Srini) Srinivasan and Anuradha Annaswamy
- Request. Three-year OOC extension.
- Documents in packets. Applicant's request letter dated Oct 14, 2022; approved site plan, approved planting plan, applicant's proposal for additional stone near the house.
- Additional documents presented at meeting. Site photos
- Presentation (staff and Srini) and Discussion.
 - This project was first permitted (#239-726) in May of 2015. That permit expired in 2018 with only building demo and site clearing completed.
 - This project was re-permitted (#239-808) in August of 2018 after 239-726 lapsed.
 - The Governor's COVID executive order extended the permit an additional 462 days.
 - Construction began in earnest in 2020 and is nearing completion. The applicants hope to complete construction and occupy the house in 2023. Required mitigation plantings have not been installed and will have to prove themselves for 2 growing seasons.
 - The permit is now due to expire on 11/14/22. The applicant is seeking a 3-year extension.
 - There has been very high groundwater on the site (the applicant stated that the soil doesn't percolate well), but in recent times the groundwater level seems to be back down to the levels found in the original test pits. The basement slab is currently above the groundwater level.
 - The applicant is contemplating plan modifications to address groundwater & stormwater (the addition of large areas of stone around the front, side and rear of the house – instead of chambers in the back of the house), but the applicants are currently only seeking an extension for the project as permitted. The applicant will have their engineer address that issue with Newton's Engineering Department in the future. If any changes are desired, the applicants will have to return to the full Commission for their review and approval.
 - The applicants were told that they should hire a professional landscape architect to ensure that the final landscaping is installed appropriately and will flourish.
- Vote: To issue a 3-year extension (to 11/14/25), with all the original conditions remaining in place, contingent upon the signing of a Memorandum of Understanding with the following additional conditions. [Motion: Green, Second: Lunin, Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0]
 - To mitigate for the death of the spruce tree at the rear of the house, the applicant shall install 3 additional native canopy trees that are water-tolerant (such as red maple, tupelo, or willow) at the rear of the property (species and locations to be determined in consultation with Conservation staff.
 - The mitigation planting area must:
 - a. Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.



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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- b. 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.
- c. Be managed to control/minimize invasive species. If herbicides are use, manufacturer's recommended directions must be followed.

2. 7:25 – 2345 Commonwealth Ave – COC – tank relocation at Newton Marriott – DEP #239-869

- Owner/Applicant. Boston Gas
- 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 10/27/22 confirmed full compliance with the approved plans and conditions and the necessary survival of plants.
- Vote: Vote to issue a complete COC. [Motion: Lunin, Second: Green, Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0]

3. 7:30 – 140 Brandeis Rd – COC – Newton South H.S. tennis courts – DEP #239-735

- Owner/Applicant. Lou Taverna, Newton Engineering
- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Staff Notes. All necessary paperwork was received for this COC request. Staff site visit on 10/26/22 confirmed full compliance with the approved plans and conditions.
- Vote: Vote to issue a complete COC. [Motion: Katz, Second: Hepburn, Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0]

B. 7:35 – CONSERVATION AREA DECISIONS

4. Possible Eagle Scout project at UF Riverwalk – Proposal is to address eroded banks with water bars/steps. Is this appropriate?

- Presentation (staff) and Discussion.
 - Providing safe access and addressing erosion would be good.
 - The proposed location near the Greenway is not appropriate; it is far from the trailhead and may be on private land.
 - The bank closest to the Williams Street trailhead would be the most beneficial, but is too sensitive and challenging a site.
 - The severely gullied location near the Saco Street trailhead was considered “do-able” and beneficial.
 - The severely gullied location near the northerly bench and the Williams Street trailhead was considered “do-able” and the most beneficial site.
 - Staff will report back to the Eagle Scout.

5. Bike rack locations for Parks and Rec master list

- Presentation (staff) and Discussion.
 - Staff sought proposed locations for bike racks, to coordinate with Parks and Rec’s application for ARPA funds.
 - Desired sites, in rough priority order, are:
 - Webster -- Hammond Pond Parkway entrances (mall drive, near the vernal pool, Old Deer Park) (3 medium racks)
 - Houghton Garden – Lowell Lane entrance (1 small rack)
 - Norumbega – Woodbine entrance (1 small rack)
 - Upper Falls Riverwalk – Williams Street entrance (1 small rack)
 - Flowed Meadows – West Pine Street entrance (1 small rack)
 - Dolan Pond – Auburndale entrance (1 small rack)

C. 7:50 – ADMINISTRATIVE DECISIONS

6. Meeting process changes to increase efficiency

- The following revised procedure was appreciated by the Commission and will be used by the Chair at the next hearing. Staff will include mention of this new procedure in the email that accompanies Staff Notes.
 1. Chair notes that highlighted plans and detailed staff comments have been provided in the packets and on the web.
 2. Chair asks staff to project the highlighted site plan and site photos to introduce the project/refresh memories
 3. Chair asks applicant to fill in any blanks and answer any questions
 4. Chair calls for Commission discussion

5. Chair asks for draft permit language
 6. Commission reviews and edits the findings and conditions as legally required, then votes.
- Staff noted a request to post video recordings of Commission meetings. Several Commissioners noted their discomfort with web posting of their names, faces, and home interiors. Gilligan noted that she was not aware of any obligation to post or provide video recordings of meetings. Staff will continue to make audio recordings available upon request.
 - Commissioners discussed the detailed agendas and packets.
 - One proposed improvement was to add the “public agenda” as the “cover page” to the packet.
 - Another proposed improvement was to reject applications with bad plans or assessments as “technically deficient” since there is insufficient information for the Commission to render a decision.
 - Another proposed improvement was to reiterate the value of a preliminary meeting with/review by staff in advance of the application deadline. Staff will send out another email to “regular applicants” with this information and the new procedure (1-6), above.
 - A complete application was displayed and reviewed at the meeting so Commissioners could see in entirety what applicants and staff are responsible for.
 - A complete permit was displayed at the meeting so Commissioners could see what staff is responsible for and what applicants receive.

7. Minutes to be approved

- Documents in packets. Draft 10/13/22 minutes to be edited by Dan Green.
- Vote to approve the 10/13/22 minutes as edited. [Motion: Green, Second: Lunin, Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0]
- Volunteer. Lunin volunteered to review the 11/3/22 minutes.

D. 8:15 – ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

E. 8:15 – WETLANDS UPDATES

- Staff reminded the Commission of many of its most important policies, and encouraged Commissioners to reread them.
 - My Property Has Wetlands - What Does That Mean?
 - Tree replacement guidelines. Staff noted the inadvertent omission of the Tree Replacement Guidelines and will fix that.
 - RFA and BZ mitigation planting areas
 - 25 foot naturally vegetated buffer
 - Construction in Flood Zone – buildings, fences, compensatory storage
 - Deadline for Receipt of Materials Policy

F. 8:30 – CONSERVATION AREA UPDATES

- Land Management highlights
 - Staff projected the “Field Book” summarizing each parcel and its management needs. Green and Katz asked for copies.
 - Staff projected photos of recent work by Essex Horticulture, noting their expertise, professionalism, diligence & quality.

G. 8:45 – ADMINISTRATIVE UPDATES

- Commissioners were reminded of the meeting date change from Thursday 12/22/22 to TUESDAY 12/20/22
- Staff reviewed the Conservation Office budget, just to let the Commission know how operations are funded.
 - Salaries and office – City General Fund – ~\$140K
 - Capital Grounds Improvements – City Capital Account – \$25K
 - Grounds Maintenance and Supplies – City General Account – \$25K
 - Public Property Repair and Maintenance – Commonwealth Golf Course donation – \$25K
 - John Menard was \$25K/yr; Mark Neves was \$18K/yr; Essex Horticulture is \$55K/yr (\$21K spent to-date)
 - Wetlands Filing Fees – we maintain a positive balance – money for wetlands implementation, training, etc. Commissioners were encouraged to ask to be signed up for trainings whenever they saw fit to do so.
- Staff provided an overview of Office efforts to illustrate to the Commission efforts that are outside Commission involvement
 - Administrative matters (web, GIS, budget, etc.)
 - Wetlands
 - 3 good wetland applications are now posted on the web as models.
 - Ellen will be adding graphics to the tree replacement & mitigation planting document.
 - The OpenGov on-line system is in place and working fairly well.

- A big batch of enforcement notices went out last week.
- COC requests are rolling in response to quarterly reminders
- Bound medallions are now available.
- Land Management
 - Completed: see highlights above
 - Pending:
 - All - trail head signs
 - Kessler trail easement – Jennifer had a site meeting on 10/20/22 with Tim Dolan and Zach Navarro
 - Norumbega - install fence atop slope to protect understory
 - Webster - address Elgin Road erosion
 - Frank Barney - fix erosion at northern trail head
 - Oakdale - move stone wall and add some plants
- Issues Around Town
 - OSRP staff team and OSRP Trails Subcommittee
 - Climate Action Plan staff team meetings
 - Climate Compact/Charles River Flood Model and mitigation projects
 - Pending: Flood Ordinance due 2023
 - Pending: Stream name signs, ...

H. 9:00 – ISSUES AROUND TOWN UPDATES

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

8. 9:00 – 135 Selwyn Road – COC – Addition to SFH – DEP #239-912

- Owner/Applicant. Laura Chandra
- Request. Issue COC for “work never initiated”
- Staff Comments.
 - The Chandras have decided to not pursue the addition. The only exterior work will be to reshingle the roof, replace windows, and replace some siding.
 - The two trees that were cut (on City land) in Riverfront Area without a permit must still be mitigated for. Staff will craft a Memorandum of Understanding to address that issue.
- Vote: Vote to issue a COC for “work never initiated”. [Motion: Kade, Second: Green, Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0]

9. 9:05 – 12 Hollywood Ave – COC – MWRA sewer borings – DEP #239-469

- Owner/Applicant. Avi Liss
- Request. Issue re-signed COC
- Staff Comments. The COC issued on 9/23/22 was lost, so a new one with a wet signature is needed.
- Vote: Vote to issue a resign of the COC. [Motion: Lunin, Second: Gilligan, Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0]

10. 9:10 – 180-210 Needham St. – OOC extension request – Parking expansion, mitigation plantings, rain garden – DEP #239-730

- Owner/Applicant. Kerry McCormack, CrossPoint Development
- Request. Two-year OOC extension.
- Staff Comments. A staff site visit on 11/3/22 found that:
 - For unpermitted alteration of Riverfront Area (associated with removal of the rails):
 - 8 of the 12 mitigation saplings were present.
 - For the required for mitigation of the expanded parking:
 - The rain garden was mostly devoid of the required vegetation
 - Only a few of the required trees were present
 - None of the required shrubs were found.
 - No work has been done on the project to create expanded parking with structural grass at the eastern end of the parcel.
 - The check held for completion of the planting has long since expired. Staff will solicit a new surety.
- Vote: To issue a 2-year extension (to 11/14/25), with all the original conditions remaining in place, contingent upon the signing of a Memorandum of Understanding with the following additional conditions. [Motion: Green, Second: Lunin, Roll-

call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0] NOTE: After the hearing, staff discovered that the permit expired on 10/31/22, so this extension cannot be granted.

ADJOURN Vote to adjourn at 9:16. [Motion: Green, Second: Lunin, Roll-call vote: Lunin (aye), Green (aye), Cade (aye), Hepburn (aye), Gilligan (aye), Zabel (aye), Katz (aye). Vote: 7:0:0]