

CONSERVATION COMMISSION AGENDA

Date: Tuesday, January 19, 2023

Time: 7:00pm

Place: This meeting will be held as a virtual meeting via Zoom.

The Conservation Commission will hold this meeting as a virtual meeting; no in-person meeting will take place at City Hall.

Zoom access information for the meeting will be posted 48 hours in advance of the meeting at: <https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission>

Contact jsteel@newtonma.gov or 617-796-1134 with any questions.

NOTE: In addition to the documents presented in the Commission's packet (available on the Commission's website), full application plans and narratives are available on [the Commission's website](#).

NOTE: Times listed are estimates. Items may be taken out of order at the Chair's discretion. Discussion may be limited by the Chair.

DECISIONS

A. WETLANDS DECISIONS

1. 7:00 – 111 Wells Ave – RDA – solar installation in a business park

- Owner/Applicant. Dan Giuffrida, Plankton Energy
- Representatives. Marianne Diffin, DiPrete Engineering
- Proposed Project Summary.
 - Installation of a solar canopy over an existing parking lot in a business park. 31 steel posts will be installed and spaced to allow stormwater to pass through, preserving the existing stormwater pathways.
 - Proposed project will require new transformer and switchgear, and trenching.
- Request. Issue a Negative Determination of Applicability.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction.
 - Within the project area: RFA to College Brook
 - On-site, but outside the project area: BLSF Rare Species Habitat, WR#11, BVW and associated buffer zone,
- Performance Standards.

RFA: Redevelopment in Previously Developed Riverfront Areas; Restoration & Mitigation: 10.58(5)

- Work to redevelop previously developed riverfront areas shall ...
 - (a) At a minimum, work shall result in an improvement over existing conditions ...
 - (c) Proposed work shall not be closer to the river than existing conditions ...
 - (d) Proposed work...shall be located... away from the river....
 - (e) proposed work shall not exceed the ... degraded area
- Staff Notes.
 - College Brook bounds the parking area to the east and drains into the Charles River.
 - The parking lot existed prior to promulgation of the Rivers Protection Act.
 - Appropriate sediment and erosion controls will be installed (layout to be approved by Staff).
 - No vegetation removal is proposed as part of this project.
 - There shall be no change to the amount of degraded area on the site or the stormwater quality or quantity generated by the site.
 - The project will result in an improvement to the site by: (1) installing approximately 1515 solar panels, (2) shading the parking lot and (3) partially servicing the building at 85 Wells Avenue with the remainder of the energy generated being transferred into the local



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Chief
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Ellen Menounos

**Conservation
Commission
Members**
Kathy Cade
Dan Green
Judy Hepburn
Ellen Katz
Susan Lunin
Jeff Zabel
Leigh Gilligan

**Associate
Member**
Sonya McKnight

**Contact
Information**
1000 Comm. Ave.
Newton, MA 02459

T 617/796-1120
F 617/796-1142

www.newtonma.gov

jsteel@newtonma.gov

electrical grid.

- Staff Recommendation. Vote to issue a Negative 2 (The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent) and a Negative 6 Determination (The area and/or work described in the Request is not subject to review and approval by the Newton Floodplain Ordinance).

2. 7:15 – 27 Parsons St – NOI – demo SFH/construct 2FH -- DEP #239-945

- Owner/Applicant. Tom Zou, GZ Fleet, LLC
- Representatives. John Rockwood, EcoTec
- Proposed Project Summary.
 - Demolition of the existing single-family house and all existing associated site features (with the exception of the northern retaining wall and the smaller shed) and the removal of two ornamental trees and an arborvitae tree
 - Construction of a larger two-family house on two foundation areas associated with the proposed garages that are smaller than the existing foundation; the balance of the house and decks will be supported on piers above the floodplain and concealed with lattice comprising greater than 50% voids.
 - The project results in two homes and 305 sf less degraded surface on the site (from 4,635± sf to 4,330± sf) so there is no required restoration or mitigation.
 - No new proposed degraded surfaces are proposed within the 25' Buffer Zone on the site.
 - Driveway and roof runoff will be captured and infiltrated in 2 areas and a grassed swale with drop inlet will prevent off-site overland flow to the north.
 - Nine 1.5" caliper ornamental saplings are proposed to be established within the 25' Buffer Zone to the north of the proposed house.
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. RFA, BZ, BLSF
- Performance Standards.

RFA: Redevelopment in Previously Developed Riverfront Areas; Restoration & Mitigation: 10.58(5)

- Work to redevelop previously developed riverfront areas shall ...:
 - (a) At a minimum, work shall result in an improvement over existing conditions ...
 - (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less
 - (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
 - (e) proposed work shall not exceed the ... degraded area ... except in accordance with 10.58(5)(f) or (g).

Buffer Zone 10.53(1): General Provisions: "... the Issuing Authority shall impose conditions to protect the interests of the Act for adjacent Resource Area..." "... ensure that adjacent wetland resource areas are not adversely affected during or after completion ..."

Bordering Land Subject to Flooding: 10.57

1. Compensatory storage shall be provided for all flood storage volume that will be lost...
2. Work shall not restrict flows so as to cause an increase in flood stage or velocity.
3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.

- Staff Notes.
 - In general, staff support the conversion of single-family homes to duplexes.
 - The site is extensively developed/degraded and has no canopy trees.
 - Infiltration systems will improve stormwater management.
 - The project complies with the pertinent regulations regarding the placement and extent of degraded areas.
 - Staff feel, however, that to provide a real "improvement" as required, the enhancement planting plan should be made more robust. The proposed ornamental trees, located so close to the abutting driveway, will not be allowed to grow large. There are no native canopy trees or shrubs proposed. Staff feel that the area beyond and beside the "rear" crushed stone infiltration system and the front yard could accommodate 4 native canopy trees and 12 native shrubs.
 - Engineering is reviewing the proposed stormwater infiltration systems under the City's Stormwater Ordinance.
- Staff Recommendation.
 - Once all questions have been answered and conditions determined, vote to close the hearing and issue an OOC with the following special conditions.
 - 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.

- Fencing must comport with the plans and the Conservation Commission’s policy
- Finished grades may not deviate from the approved plans, even if high groundwater is encountered.
- The approved planting plan must be installed in full compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
 - a. Including [redacted] native canopy trees and have a survival rate of 100 % (after 2 growing seasons)
 - b. Including [redacted] native understory trees and have a survival rate of 100% (after 2 growing seasons)
 - c. Including [redacted] native shrubs and have a survival rate of 90 % (after 2 growing seasons)
 - d. 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.

3. 7:45 – 483-655 Dedham St – NOI – pond treatments at Charles River CC -- DEP #239-943

- Owner/Applicant. Paul Blanusa, Charles River Country Club
- Representatives. Kelly Cardoza, Avalon Consulting
- Proposed Project Summary.
 - This application has been submitted as an Ecological Restoration Limited Project 10.53(4)(a) -- a project whose primary purpose is to restore or otherwise improve the natural capacity of a Resource Area(s) to protect and sustain the interests identified in M.G.L. c. 131, § 40, when such interests have been degraded or destroyed by anthropogenic influences.
 - ‘Integrated pond management’ to control nuisance vegetation in five ponds: monitoring, aeration, manual removal, best management practices, and chemical treatment over approx. 51,757 sf.
 - *Monitoring and reporting*
 - Ponds will be surveyed by a qualified biologist from April to September (8 visits annually) to document conditions and determine the need for management.
 - Using a small boat, monitoring will include physical observations, throw-rake samples, and field testing of dissolved oxygen and temperature.
 - Annual report will be submitted to the Commission prior to December 1st of each year, to include details of all activities undertaken, photos, problems or concerns, schedule for upcoming year.
 - *Floating Surface Aeration*
 - Project will require installation of electric line in conduit using vibratory plow to each pond site.
 - Seasonal installation of surface aerators in each pond. System has motor/propeller/pump/submersible cord/outlet near the shoreline will be connected via electrical conduit.
 - *Manual removal*
 - Low densities of Water Chestnut (less than ¼ pond coverage) will be pulled by hand where feasible (based on golf play).
 - *Chemical treatment*
 - Chemical treatment will be performed only as necessary, using dosages appropriate to the densities of the plants observed. MSDS were included for each product.
 - The applicant is seeking approval of 3 chemical treatments:
 - Fluoridone (Sonar) -- for elodea, naiad, duckweed -- a pre-emergent herbicide, slow acting so reduces the possibility of oxygen depletion due to decaying plant material and the potential for ensuing algae blooms.
 - Imazamox (Clearcast) -- for water chestnut – for submerged, emergent, and floating broadleaf and grass weeds. Water chestnut coverage in August exceeded hand-pulling levels, and the initial years of the program would likely incorporate Clearcast.
 - Copper (Captain XTR) -- for algae -- approved to control nuisance filamentous and microscopic algae in potable water reservoirs, fish hatchery ponds and golf course ponds

Pond	Area (sf)	Target Vegetation	Proposed Selective Treatment
Hole 1	9,000	Filamentous algae Water chestnut	Captain XTR Clearcast
Hole 4	18,760	Filamentous algae Water chestnut	Captain XTR Clearcast
Hole 15	12,897	Elodea Filamentous algae	Sonar Captain XTR
Hole 17 north	4,019	Elodea	Sonar

		Naiad Duckweed Filamentous algae	Captain XTR
Hole 17 south	7,081	Elodea Naiad Duckweed Filamentous algae	Sonar Captain XTR

- *Best management practices*
 - Out-of-play natural buffer strips around pond edges.
- Request. Issue an OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. LUW, BVW, BZ, RFA – through the lens of an ecological restoration limited project
- Performance Standards.
 - 10.53(4) Ecological Restoration Limited Projects – for vegetation control.
 - 10.53(4)(a)1. It must meet the definition in 10.04 (restore or enhance, defined in 10.53(4))
 - 10.53(4)(a)5. It must comply with 10.53(1), (2), (7), & (8) (*Staff note: nothing special here*)
 - 10.53(4)(c) As per 10.12, there is no need to do a Wildlife Habitat Evaluation (10.60)
 - 10.53(4)(d) Consider: history, benefits, avoid/minimize/mitigate
 - 10.53(4)(e) Types of Ecological Restoration Limited Projects.
 1. Dam Removal Projects.
 2. Freshwater Stream Crossing Repair and Replacement Projects.
 3. Stream Daylighting Projects.
 4. Tidal Restoration Projects.
 5. **Other Restoration Projects.** An Ecological Restoration Project that is not listed in 310 CMR 10.54(4)(e)2. through 4., that will **improve the natural capacity of a Resource Area(s)** to protect the interests identified in M.G.L. c. 131, § 40, may be permitted as an Ecological Restoration Limited Project ... Such projects include, but are not limited to, ... **the removal of aquatic nuisance vegetation to retard pond and lake eutrophication, the thinning or planting of vegetation to improve habitat value,**
- Staff Notes.
 - Staff wonder whether there should there be a 1.5X RFA fee added to the Category 2 \$500 fee.
 - Staff agree that the removal of nuisance vegetation and the installation of electric power to the ponds will not negatively impact the resource areas at Charles River Country Club and will improve water quality conditions. They would like to further explore the issue of improving wildlife habitat.
 - The wetland resource evaluation was last done by EcoTec, Inc. sometime between 2015 and 2017. BVW lines may have changed. The OOC should note that the lines are not hereby confirmed. The only reason, however, to demand a new delineation based on soils would be to clarify the record. The existing delineation is sufficient to allow optimization of wetland restoration under the Ecological Restoration OOC.
 - Existing conditions as of August 2022 were provided.
 - Hole 1 Pond – filamentous algae and extensive cover of invasive water chestnut;
 - Hole 4 Pond – filamentous algae and extensive cover of invasive water chestnut;
 - Hole 15 Pond – extremely dense elodea and filamentous algae; and
 - Hole 17 Ponds (North & South) – extremely dense elodea and filamentous algae; naiad, and duckweed.
 - Stated project goal is to slow eutrophication and improve the overall health of the ponds.
 - Elodea and duckweed are native. What native plants are desired?
 - What native wildlife is expected?
 - What wildlife habitat will be (re)created?
 - An Alternatives Analysis was provided
 - Drawdown: There are not sufficient water level/outlet control structures to facilitate a winter drawdown
 - Sediment Excavation: The ponds were dredged recently. Dredging for aquatic plant control requires deepening beyond the photic zone, usually to a depth in excess of 10 feet, which is not feasible.
 - Biological: There are no known biological control agents that target these nuisance aquatic plants
 - Do Nothing: habitat value of the ponds will decrease as they fill in
 - Manual removal
 - How frequently will this be attempted? For which species of plants? What methods will be used?

- “Golf play” should not determine “feasibility” of manual removal.
- Manual removal should be the first effort as it will remove the organic matter and limit the build-up of toxins.
- How/where will invasive plant material be disposed of?
- “Selective” chemical treatments.
 - What non-target species will be spared?
 - What is the threshold for chemical application for each species? >25% has been stated for water chestnut, what about the others?
- Best Management Practices
 - What should the standard for the out-of-play buffer around pond edges be? Where will that be established?
 - Currently only Hole 17 has a naturally vegetated buffer strip?
 - How will buffer strips be established (seeded? planted?)
 - How will buffer strips be maintained (mowing regime? markings?)
 - What other best management practices might be considered in a golf course context?
- Staff Recommendation.
 - Once all questions have been answered and conditions determined, vote to close the hearing and issue an OOC with the following special conditions.
 - Aeration shall be undertaken throughout the growing season.
 - Mechanical removals of all non-native invasive species may be undertaken throughout the year.
 - Chemical treatments may only be undertaken if thresholds identified in the following table have been exceeded.

Pond	Area (sf)	Target Vegetation	Proposed Selective Treatment	Thresholds for Chemical Treatment
Hole 1	9,000	Filamentous algae Water chestnut	Captain XTR Clearcast	30% aerial coverage 25% aerial coverage
Hole 4	18,760	Filamentous algae Water chestnut	Captain XTR Clearcast	30% aerial coverage 25% aerial coverage
Hole 15	12,897	Elodea Filamentous algae	Sonar Captain XTR	NEVER? mech? 50% 30% aerial coverage
Hole 17 north	4,019	Elodea Naiad Duckweed Filamentous algae	Sonar Sonar Sonar Captain XTR	NEVER? mech? 50% 30% bottom coverage 50% aerial coverage 30% aerial coverage
Hole 17 south	7,081	Elodea Naiad Duckweed Filamentous algae	Sonar Sonar Sonar Captain XTR	NEVER? mech? 50% 30% bottom coverage 50% aerial coverage 30% aerial coverage

- The approved planting plan must be installed in full compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
 - a. Including [redacted] native canopy trees and have a survival rate of 100 % (after 2 growing seasons)
 - b. Including [redacted] native understory trees and have a survival rate of 100% (after 2 growing seasons)
 - c. Including [redacted] native shrubs and have a survival rate of 90 % (after 2 growing seasons)
 - d. Be bounded, as shown on the plans ...
- Annual report must be submitted to the Commission prior to December 1st of each year, to include details of all activities undertaken, photos, problems or concerns, schedule for upcoming year.

4. 8:20 – 70 Suffolk Rd – NOI – construction of pool, garage, and site features -- DEP #239-946

- Owner/Applicant. Frank & Kyra van den Bosch
- Representatives. Andrea Kendall, LEC Environmental; Peter Stephens, Dan K Gordon Assoc; Brian Nelson, MetroWest Engineering
- Proposed Project Summary.
 - Within the 100’ Buffer Zone, the following changes are proposed:
 - Remove some of the existing hardscape including driveway, retaining walls, steps; remove a portion of the house.
 - Build a pool, pool house, 1-car garage, terraces and paths; install 2 underground stormwater infiltration systems. This will add 5,214 sf of impervious area to the site
 - Trees:
 - Removing many mature trees.

- Planting 189"
- **Mitigation/Restoration**
 - **25-foot Naturally Vegetated Buffer.** Within the 9,869 sf of 25-Foot NVBZ, the footprint of lawn will be reduced and converted to naturalized or landscaped areas. Currently 54% (5,321 sf) is planted/naturalized, after the project 87% (8,600 sf) will be planted/naturalized.
 - **BVW.** 7,136± SF of lawn within BVW will be vegetatively restored with native wetland plants comprised of trees, shrubs, ferns, sedges, and forbs. Within the sunnier areas 2,500 forbs and shrubs and three (3) black tupelo (*Nyssa sylvatica*) trees will be planted. Within the shadier portions of the BVW, 500 ferns and forbs will be planted.
 - **Intermittent stream.** The wooden footbridges will be removed by hand and the Bank will be planted with forbs and/or ferns.
 - **Invasive species** located along the hillside east of the residence and within BVW along the perimeter of the lawn will be managed
- **Request.** Issue OOC.
- **Documents in packets.** Locus map, highlighted plans and photos.
- **Additional documents presented at meeting.** Site photos.
- **Jurisdiction.** Bank, BVW to intermittent stream, LUW, Buffer Zone
- **Performance Standards.**

Buffer Zone 10.53(1): General Provisions: "... the Issuing Authority shall impose conditions to protect the interests of the Act for adjacent Resource Area..." "... ensure that adjacent wetland resource areas are not adversely affected during or after completion ..."

BVW: 10.55(4)

 - (a) work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of the BVW
 - (b) The ConCom may permit the loss of up to 5000 square feet of BVW when said area is replaced IF: ...
 - (c) The ConCom may permit the loss of a portion of BVW when ...;
 - (d) No project may be permitted which will have any adverse effect on specified habitat sites of rare species
 - (e) No work shall destroy or otherwise impair any Area of Critical Environmental Concern

Bank: 310 CMR 10.54

 - (a) Work on a Bank shall not impair the following:
 - 1. The physical stability of the Bank;
 - 2. The water carrying capacity of the existing channel within the Bank;
 - 3. Ground water and surface water quality;
 - 4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
 - 5. The capacity of the Bank to provide important wildlife habitat functions....
 - 6. Work on a stream crossing ...
 - (b) Structures may be permitted in or on a Bank ...
 - (c) No project may be permitted which will have any adverse effect on specified habitat sites of Rare Species.

LUW: 10.56

 - (a) Work shall not impair the following:
 - 1. The water carrying capacity within the defined channel ...;
 - 2. Ground and surface water quality;
 - 3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and
 - 4. The capacity of said land to provide important wildlife habitat functions....
 - 5. Work on a stream crossing ...
 - (b) The issuing authority may issue an Order to maintain or improve boat channels
 - (c) No project may be permitted which will have any adverse effect on rare species.
- **Staff Notes.**
 - A single-family home sits on a 3.5 acre property
 - There is a 22' grade change from the front of the lot to the back of the lot (N to S)
 - A westerly flowing intermittent stream and associated BVW is located at the rear of the lot.
 - Plan questions
 - It would be nice if the landscape plans could be produced on a single sheet.
 - Proposed and existing conditions should be overlaid on one sheet to show the proposed site changes more clearly.
 - Where are the existing drain outlets and will they be capped?

- Tree dbh's and X's on the engineer's plan don't match those on the landscape plan. Does the landscape plan match the arborist's report?
- Note: The City flood elevation is 166.5 NAVD88 and should be noted on the plans.
- A site visit will have to confirm and/or modify the wetland line (it is drawn very straight across the back yard).
- What treatment does the straight hatched symbol on the landscape plans represent?
- Alternatives. The application states that "Opportunities to locate the pool and associated pool house further from the resource area were assessed..." Staff agree that the location of the pool and terrace are appropriate.
- Tree removals.
 - Planned removal of 9 native trees over 8" dbh in good or fair health for a total of 153".
 - Planned removal of 5 native trees over 8" dbh in poor health for a total of 162".
 - Planned removal of 5 non-native trees over 8" dbh in good health for a total of 90".
 - Planned removal of 4 invasive trees over 8" dbh for a total of 95".
 - Planned removal of an additional 12 trees under 8" proposed for removal and shown on the plans.
 - The applicants are proposing a total of 500" of tree removal of trees over 8" dbh in good, fair, or poor fair health.
 - The applicants feel that the ConCom's tree replacement policy would only require 57-69" of replacement -- if you don't replace invasives, trees under 8", trees in "poor" or "fair" condition, a tree that might damage a structure, or dead trees. Staff feel that the replacement policy would require an absolute minimum of 169" of replacement – if you replace native and non-invasive good/fair trees at ½ caliper inch and poor and invasive trees at ¼ caliper inch.
 - Staff feel the site can and should accommodate more native canopy trees and native shrubs than are proposed.
 - The applicants are proposing a total of 188" tree replacement.
 - The applicants are proposing only 14 replacement native canopy trees.
 - Staff feel the plant list is not sufficiently robust or focused on native trees and shrubs.
- BZ and BVW restoration.
 - The applicants are proposing replacing lawn with fescue. Fescue is better than Kentucky bluegrass, but if mowed will not provide much habitat benefit.
 - The applicants are proposing to plant plugs, some shrubs (but none are apparent on the plans), and 3 trees in the lawn area. The annual mowing of the forb area is appropriate, but staff suggest that a more diverse/robust restoration plan with more native trees and shrubs and a more detailed invasive control plan should be provided. Would some manner of labeled bounds be appropriate to demarcate the annual mowing areas and educate lawn care employees?
 - Invasives are due to be removed, but what will be put in their place? What long-term management will be undertaken?
 - The "paths" seem partially vegetated. What will they be planted with?
 - Staff feel that the proposed yew hedges in the 25' NVB could be replaced with a hedge of a native species.
 - How will tree planting be accomplished to limit disturbance of the wet soils?
 - Details of proposed restoration and invasives control should be on the plans (to be referenced in the OOC)
- Lighting. Staff feel that lights should be conditioned to be down lights, limited blue spectrum, and timed off after 10pm.
- Stormwater. Staff question having a level spreader in a lawn area.
- Staff Recommendation.
 - Seek flagging in advance of a site visit.
 - Seek plan clarifications and modifications.
 - Once all questions have been answered and conditions determined, vote to close the hearing and issue an OOC with the following special conditions.
 - 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.
 - 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.
 - 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.
 - The approved planting plan must be installed in full compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
 - e. Including native canopy trees and have a survival rate of 100 % (after 2 growing seasons)
 - f. Including native understory trees and have a survival rate of 100% (after 2 growing seasons)
 - g. Including native shrubs and have a survival rate of 90 % (after 2 growing seasons)

- h. 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.
- 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).
- 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:
 - a. 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.
 - b. have limited blue content to decrease skyglow and disruption of diurnal animals
 - c. be switched off when not in active use

5. 8:55 – 528 Boylston St -- informal presentation -- Toll Brothers 40B project

- Owner. Toll Brothers luxury home builders
- Representative. Stephen Buchbinder, attorney
- Proposed Project Summary.
 - Toll Brothers submitted an application to MassHousing under Chapter 40B to build a multifamily housing project.
 - The developer plans to build a six-story, 244-unit apartment building, with a mix of 1-, 2- and 3-bedroom rentals.
- Request. Offer preliminary feedback on jurisdictional aspects of the project.
- Documents in packets. Locus map, summary information.
- Additional documents presented at meeting. Presentation by applicant team
- Staff Notes.
 - The 5.82-acre site at 528 Boylston St. is made up of multiple parcels with different uses, including a landscaping business, two duplexes, and undeveloped land.
 - The site is bounded on the north by Route 9.
 - The site is bounded to the south by residential properties.
 - The site is bounded on the west by Paul Brook (and residential properties) and has State/Federal and City floodplain.
 - Staff have not received any preliminary materials to date.
 - Staff have not made a site visit to the parcel to confirm the full extent of wetland jurisdiction.
- Staff Recommendation. Ask a lot of questions and provide preliminary feedback.

6. 9:20 – 190 Sumner St – ex post facto OOC for an addition and driveway -- Request for OOC extension -- DEP #239-806

- Owner/Applicant. Sam Roth.
- Request. Issue OOC extension.
- Documents in packets. None
- Additional documents presented at meeting. None
- Staff Notes.
 - 5/18/2018 -- ex post facto OOC issued
 - 8/21/2022 – OOC originally due to expire
 - The owner's engineer identified non-compliant grading.
 - The owner has been very responsible. Most of the required plantings have been installed and timely memos have been received for extension requests.
 - The OOC was extended for an additional 6 months to 2/17/2023.
 - A site visit on 1/11/2023 found that the site was in substantial compliance with the approved plans, but for the non-compliant grading and a lack of plantings behind the garage.
 - The site is within outer RFA and outer buffer zone to Hammond Brook and the excess fill is of no adverse ecological consequence to the RFA or BZ.
- Staff Recommendation. Vote to issue a 6-month OOC extension to allow for the final plantings to be installed behind the garage as per the approved planting plan, then consider issuing a COC.

7. 9:25 – 16 Grace Rd – teardown/rebuild single-family home -- Request for COC -- DEP #239-837

- Request Made By: Peter Nolan
- OOC Issued To: Craig Halajian

- 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 1/11/2023 found that the site was in substantial compliance with the approved plans, however, the plantings seem to have been installed in the fall of 2022, so a COC could not be issued until the fall of 2024. The owner can be given a “comfort letter” stating that the only outstanding condition is the survival of the required plantings.
- Staff Recommendation. Staff will issue a “comfort letter”.

8. 9:30 – 25-27 Christina St – new entryway, planting beds, outdoor seating -- Request for COC -- DEP #239-713

- Owner/Applicant. The Price Center
- 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 1/9/2023 found that the site was in substantial compliance with the approved plans.
- Staff Recommendation. Vote to issue a complete COC.

9. 9:35 – Nahanton St CR – Beaver Activity Causing Flooding

- Owner/Applicant. 210 Nahanton Street Condos
- Request. Remove beaver dam.
- Documents in packets. None
- Additional documents presented at meeting. Photos
- Staff Notes.
 - On March 27, 2012, 239- 649 Order of Conditions for work at #2 and #199 Wells Avenue for removal of beaver dam in culvert issued to Louis Taverna, City Engineer
 - A site visit on 12/13/2022 found that beavers have dammed the Country Club Brook at the culvert that passes under Wells Ave.
 - Resident of condos is concerned about the impending death of the trees
 - In addition to having a CR, the area has two streams (Country Club and Lacy), jurisdictional bordering vegetated wetlands and a City Flood Plain area (defined at roughly elevation 95.5' (NAVD 88)). Based on the topography, the area was clearly ditched and drained in the past, and probably filled in around the edges to allow for the current surrounding buildings to be built.
 - It could be argued that the beavers' work is a natural occurrence in an appropriately protected natural area that has to date, at least to my knowledge, not threatened any infrastructure. It is true that the vegetational community could be significantly altered as a result of continued flooding, but that is part of a natural process of wetland creation (or, in this case, re-creation?) protected by state law and guidance.
 - Coincidentally, I just signed up for a webinar with the following title and description. **“Better Beaver Management to Build Climate Resilience”** Beavers are a Keystone species because the ponds they create support biodiversity that is comparable to coral reefs and rain forests. Their dams also slow down runoff from large storm events, which reduces erosion and flooding damage downstream. Where water is scarce, beaver dams store surface and underground water to maintain the water table and recharge aquifers. By wetting the landscape wildfire damage is reduced, and recovery after wildfires proceeds much faster. ... All these beaver-related benefits build climate resilience.
- Staff Recommendation. Discuss the merits of action and inaction.

B. 9:30 – CONSERVATION AREA DECISIONS

C. 9:30 – ADMINISTRATIVE DECISIONS

10. Minutes to be approved

- Documents in packets. Draft 12/20/2022 minutes as edited by Leigh Gilligan.
- Staff Recommendation. Vote to approve the 12/20/22 minutes.
- Volunteer. Who will volunteer to review the 1/19/23 minutes?

D. 9:35 – ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

- E. 9:35 – WETLANDS UPDATES – none at this time
- F. 9:35 – CONSERVATION AREA UPDATES – none at this time
- G. 9:35 – ADMINISTRATIVE UPDATES – none at this time
- H. 9:35 – ISSUES AROUND TOWN UPDATES – none at this time

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

ADJOURN