

CONSERVATION COMMISSION MINUTES

Date: Tuesday, January 19, 2023

Time: 7:00 – 10:08pm

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, Jeff Zabel, Leigh Gilligan, Ellen Katz, Sonya McKnight (Associate Member)

Members Absent: none

Staff present: Jennifer Steel

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

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: Riverfront Area to College Brook
 - On-site, but outside the project area: Bordering Land Subject to Flooding, Rare Species Habitat, Bordering Vegetated Wetland, and Buffer Zone,
- Presentation (staff and Marianne Diffin) and Discussion.
 - 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.
 - This is a straight-forward solar canopy installation over an existing parking lot. There shall be no change to the amount of degraded area on the site or the stormwater quality or quantity generated by the site. 10 trees (within the Riverfront Area) in the parking lot's interior islands will be removed prior to the installation of the canopies.
 - Appropriate sediment/erosion controls will be installed (layout to be approved by Staff).
 - The project will result in an improvement to the site by: (1) installing ~1515 solar panels, (2) shading the parking lot, and (3) partially servicing the building at 85 Wells Ave with the remainder of the generated energy being transferred to the local electrical grid.
 - One Commissioner asked about the level of use of the parking lot. Diffin responded that use may have declined due to the pandemic.
- 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). [Motion: Lunin, Second: Gilligan, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

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.



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

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- 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 structure 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. Riverfront Area, Bordering Land Subject to Flooding, Buffer Zone
- Presentation (Staff and John Rockwood) and Discussion.
 - 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.
 - In response to staff concerns about meeting the RFA performance standard of site "improvement", the enhancement planting plan (with 9 native understory saplings) will be augmented with: (1) 16 native shrubs co-located with those native understory saplings, (2) three native evergreen saplings, and (3) two native canopy saplings.
 - All other performance standards have been met or exceeded.
- Vote to close the hearing and issue an OOC with the following site-specific special conditions. [Motion: Gilligan, Second: Katz, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]
 21. The stabilized construction entrance will be required for the duration of the construction to prevent tracking of mud and silt onto City streets.
 22. Concrete washout must take place as shown on the approved plans, must limit/control any adverse impact on the wetlands resource area(s) and must be presented to the Conservation Commission for review and approval.
 23. 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 if water is encountered during the course of excavation.
 24. The Riverfront Area enhancement planting areas must:
 - a. Be installed in compliance with the approved plans (i.e., 9 native understory trees) and the additional plants identified in Condition #25. Desired changes must be approved by the Conservation office in advance.
 - b. 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.
 - 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.
 - d. Mulch applications shall diminish over time and eventually cease as shrubs spread.
 - e. Stabilize all disturbed areas.
 - f. Be managed to control/minimize invasives species. If herbicides are use, manufacturer's recommended directions must be followed.
 25. Additional Plantings
 - a. In addition to the 9 native understory saplings shown on the approved plan north of the proposed grassed swale, the applicant must also establish 16 native shrubs co-located with those native understory saplings.
 - The shrubs will be 3 to 4' in height and consist of four of each of the following: Virginia Rose (*Rosa virginiana*), Inkberry (*Ilex glabra*), Shrubby Cinquefoil (*Potentilla fruticosa*), and Mountain Laurel (*Kalmia latifolia*).
 - The native understory saplings and shrubs located will be mulched to serve to protect these plantings.

- b. Additionally, a cluster of three native evergreen saplings (i.e., 1 6-7' tall White Spruce (*Picea glauca*) and 1 6-7' tall Eastern Red Cedar (*Juniperus virginiana*) will be established within the existing lawn area near the southern site boundary.
- c. Additionally, 2 2" caliper native canopy saplings (one Northern Red Oak (*Quercus rubra*) and one Sugar Maple (*Acer saccharum*)) will be established near the northern edge of the lawn area located in the western portion of the site outside of the limit of work.

26. Plant Survival

- a. The 9 native understory saplings must have a survival rate of 100% after 2 growing seasons
- b. The 2 native canopy saplings and 3 evergreen trees must have a survival rate of 100 % after 2 growing seasons
- c. The 16 native shrubs must have a survival rate of 80% after 2 growing seasons.

27. Finished grades may not deviate from the approved plans, even if high groundwater is encountered.

28. Compensatory flood storage must be provided in its entirety as per the plans, by removing 1,111± cubic feet of material from the site.

29. The stormwater infiltration system must be installed as per the approved plans.

30. The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Conservation Office.

31. 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).

3. 7:45 – 483-655 Dedham St (Charles River Country Club) – Ecological NOI – treatments to reduce pond weeds -- DEP #239-943

- Owner/Applicant. Paul Blanusa, Charles River Country Club
- Representatives. Kelly Cardoza, Avalon Consulting; Paul Blanusa, CRCC; Joe Oronato, Water & Wetland
- Proposed Project Summary.
 - Address excessive weed growth (water chestnut , elodea, naiad, duckweed, and algae) in in four ponds (Holes 1, 4, 15, and 17).
 - 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 which 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.
 - *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 in four ponds: Holes 1, 4, 15, and 17 for the following:
 - 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.
 - Best management practices
 - Out-of-play natural vegetated buffer strips around pond edges.
- Request. Issue an OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Land Under Water, Bordering Vegetated Wetland, Riverfront Area, Buffer Zone – through the lens of an Ecological Restoration Limited Project (10.53(4)(e) 5. Other Restoration Projects.
- Presentation (Staff and Kelly Cardoza and Paul Blanusa) and Discussion.
 - Commissioner Judy Hepburn disclosed that she knew Kelly Cardoza, but that that familiarity would not materially affect her impartial consideration of this application.
 - Staff comments/concerns were all addressed in revised application materials.
 - The project goal was clarified: to reduce weed density to allow greater vegetative diversity and more open water habitat, to slow eutrophication, and to improve the overall health of the ponds.
 - Applicants agree that there should have been a 1.5X RFA fee added to the Category 2 \$500 fee, and will send the appropriate checks to the City and DEP.
 - Applicants agree that the wetland boundaries shown on the plans should not be approved under this Order, but are sufficient to allow optimization of wetland restoration under the Ecological Restoration OOC.
 - A robust water quality and wildlife habitat enhancement plan was submitted prior to the hearing. It included large “annual mowing only” areas and areas to be planted with native shrubs and vegetation.
 - Mechanisms of weed removal were clarified and the Commission’s interest in having water chestnuts removed manually noted.
 - Thresholds for applications of herbicides were clarified in a new table.
 - “Selective” treatment was clarified and will be achieved with the “ECOS” protocol of early applications and low doses of Sonar that will selectively harm the dense populations of Elodea early in the season minimizing the build-up of its biomass, but allowing other native species to persist.
 - Disposal was discussed to ensure that viable seeds and fragments would not be spread inadvertently.
 - Existing conditions were reviewed with site photos.
 - 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.
 - Blanusa answered a question about wildlife habitat, noting the presence of fish in the Hole 4 pond.
 - Blanusa noted that the plantings of low-bush blueberries on the slope adjacent to the Hole 15 pond (associated with an older, closed Order of Conditions) suffered from deer browsing and drought. Under this Order of Conditions, he will work to reestablish native shrubs on both sides of the slope. There was discussion about the most appropriate species to plant. Commissioners noted that simple fencing would not deter deer and suggested instead a diversity of native shrubs, possibly including gro-low sumac, native roses, and low-bush blueberry.
- Vote to close the hearing and issue an OOC with the following site-specific special conditions. [Motion: Cade, Second: Lunin, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]
 27. Aeration shall be undertaken throughout the growing season.
 28. Mechanical removals of all non-native invasive species may be undertaken throughout the year.
 29. The following ecological enhancement planting and maintenance plan must be undertaken in full compliance with the approved plans and the following chart.
 - a. Be installed in compliance with the approved plans.
 - b. Desired changes must be approved by the Conservation office in advance.
 - c. 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.
 - d. 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.
 - e. Stabilize all disturbed areas.
 - f. Be managed to control/minimize invasives species. If herbicides are use, manufacturer’s recommended directions must be followed.

Pond	Area (sf)	Resource/Description	Ecological Enhancement	Maintenance
Hole 1	888	Triangular area of BVW east of pond at edge of bank to tree line, currently mowed and maintained regularly	Allow existing native vegetation to establish (sedges, rushes, milkweed, asters)	Maintain at a height of 18"-24". No irrigation, no fertilization, mow once annually in the fall after milkweed and asters bloom.
Hole 1	3,385	Area of BVW and upland between edge of fairway and wooded area, from pond edge, approximately 100 feet west, currently mowed and maintained regularly	Allow existing native vegetation to establish (sedges, rushes, milkweed, asters)	Maintain at a height of 18"-24". No irrigation, no fertilization, mow once annually in the fall after milkweed and asters bloom.
Hole 4	3,139	Primarily linear upland area between existing cart path and wetland (east of pond), currently mowed and maintained.	Allow existing native vegetation to establish (milkweed, asters, native grasses)	Maintain at a height of 18"-24". No irrigation, no fertilization, mow once annually in the fall after milkweed and asters bloom.
Hole 4	1,191	Existing upland walkway from tees to green on 4th hole. This area serves as the edge of pond	Allow existing native vegetation to reestablish (retain grass path)	No irrigation, no fertilization, mow once annually in the fall to limit woody vegetation growth
Hole 4	709	Triangular area of (primarily) BVW at pond edge, currently mowed and maintained	Allow existing native vegetation to establish (sedges, rushes, milkweed, asters)	Maintain at a height of 18"-24". No irrigation, no fertilization, mow once annually in the fall after milkweed and asters bloom.
Hole 15	812	Rectangular area adjacent to pond weir, currently mowed and maintained	Allow existing native vegetation to establish (sedges, rushes, milkweed, asters, woody vegetation)	No irrigation, no fertilization, no mow, maintain access to control structure.
Hole 15	6,973	Expand planting area in BVW adjacent to naturalized area associated with dredging project, currently mowed and maintained.	#Sweet Pepperbush (Clethra alnifolia), Arrow-wood (Viburnum dentatum), Winterberry (Ilex verticillata), Swamp azalea (Rhododendron viscosum), Red chokeberry (Aronia arbutifolia), Meadowsweet (Spiraea latifolia), Steeplebush (Spiraea tomentosa)	Plant 194 shrubs, 2-3' in height, container, 6' on center avg spacing No irrigation, no fertilization, no mow.
Hole 15	4528+ 8954	dry slope (upland)	Replace low bush Blueberry (Vaccinium angustifolium)	Plant 3,371- 4"-1 gallon container, 2' on center avg spacing. No irrigation, no fertilization, no mow.
Hole 17 south	730	10' wide area of BVW around pond, currently mowed and maintained	*Soft rush (Juncus effusus), Three way sedge (Dulichium arundinaceum), Sensitive Fern (Onoclea sensibilis), Canada rush (Juncus canadensis)	Plant 81- 2" plugs, 3' on center avg spacing No irrigation, no fertilization, no mow

Notes

This planting plan includes:

- a. 194 native shrubs with a survival rate of 90% after 2 growing seasons
- b. 3371 native woody ground cover with a survival rate of 90% after 2 growing seasons
- c. 81 native plugs of herbaceous material with a survival rate of 90% after 2 growing seasons

Plants will be irrigated and fertilized as needed for establishment.

Depending on availability from local nursery stock at least 3 of the listed species will be selected, with at least 15 specimens of each selected species planted.

* Depending on availability of from local nursery stock at least 3 of the listed species will be selected, with at least 10 specimens of each selected species planted.

- 30. Water Chestnuts shall first be addressed by mechanical means and only if those efforts are exhausted shall chemicals be employed.
- 31. Chemical treatments may only be undertaken if thresholds identified in the following table have been met or exceeded.
- 32. This Order authorizes the use of Sonar only in an Early Control Optimized Sonar (ECOS) program, with early season (April) low-dose applications designed to control densities of aggressive native plants without eradicating native species, to promote greater diversity.

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	ECOS 30% aerial coverage
Hole 17 north	4,019	Elodea Naiad Duckweed Filamentous algae	Sonar Sonar Sonar Captain XTR	ECOS ECOS ECOS 30% aerial coverage
Hole 17 south	7,081	Elodea Naiad Duckweed Filamentous algae	Sonar Sonar Sonar Captain XTR	ECOS ECOS ECOS 30% aerial coverage

Note: Treatment will be based on target vegetation observed in the field by qualified biologists. Native Elodea, Naiad and Duckweed will be treated by Fluridone ECOS. This will manage but not eradicate the populations. Due to the density observed in 2022, we expect that it will take at least several years of ECOS to manage the population in the ponds.

- 33. An annual report must be submitted to the Commission prior to December 1st of each year, to include details of all activities undertaken, photos, problems/concerns, and anticipated maintenance activities for the upcoming year.
- 34. Harvested materials shall be disposed of in appropriate manners for each species and in appropriate locations to preclude dispersal.

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 and Dan Gordon, Dan K Gordon Assoc; Brian Nelson, MetroWest Engineering
- Proposed Project Summary.
 - Within the 100' Buffer Zone, the following changes are proposed:
 - The 3.5 acre single-family home site property has a 22' grade change from the front the wetland at the back.
 - 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.
 - Tree cutting: Remove many mature trees.

- **Mitigation**
 - 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 (an herbaceous flowering plant other than a grass or a sedge). 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, Bordering Vegetated Wetland to intermittent stream, Land Under Water, Buffer Zone
- Presentation (Staff and Andrea Kendall, Dan Gordon, and Peter Stephens) and Discussion.
 - Staff noted that revised plans had been submitted today in response to some of the staff comments and a site visit. Staff gave a quick overview of the revised plans and site photos, noting that further revisions were anticipated and that a more detailed review would have to wait until a future hearing.
 - The wetland line was revised based on soils and hydrology.
 - Non-native evergreen trees were replaced with hemlocks.
 - The proposed yew hedge in the 25' NVB has been replaced with a native hedge.
 - Stephens noted that Clethra shrubs would be installed where invasives were removed at the rear of the lot to augment the existing proposed planting plan.
 - The applicants have stated that the outdoor lights will be dark sky compliant.
 - Some staff comments remain to be addressed.
 - Landscape plans on a single sheet.
 - Proposed and existing conditions should be overlaid on one sheet to show the proposed site changes more clearly.
 - Tree information being consistent among the narrative, plans and tables.
 - Adding the City flood elevation (166.5 NAVD88) to the plans.
 - Clarifying symbols and key on the landscape plans.
 - Verifying the revised wetland line and delving into the BVW performance standards.
 - Commissioners noted that the espalier apple trees in the replacement planting schedule barely qualified as “trees”.
 - Commissioners and staff noted that although the proposed hemlocks were due to be treated for wooly adelgid, the applicant should consider a variety of native trees that do not rely on chemical treatments to thrive (such as Atlantic white cedar, native fir, native spruce, oaks, and maples).
 - Stormwater will be further reviewed by the Engineering Department.
- Vote to accept the applicant’s request to continue to February 9th at 7pm, with revised materials due January 26th at noon. [Motion: Katz, Second: Hepburn. Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

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

- Owner. Toll Brothers luxury home builders
- Representative. Stephen Buchbinder, attorney; Tim Hayes, Bohler Engineering; Evan Staples, Toll Bros; Tom Schultz, TAT (The Architectural Team)
- 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 proposed project.
- Documents in packets. Locus map, summary information.
- Additional documents presented at meeting. Presentation by applicant team.
- Presentation and Discussion.
 - Chair Green noted that this is not a public hearing, so only if time allowed would public comment be taken and that such comments should focus on the Commission’s Wetland Protection Act jurisdiction.

- Leigh Gilligan disclosed that she serves on the board of a non-profit organization with Steve Buchbinder, but that that familiarity would not materially affect her impartial consideration of this presentation.
- Evan Staples gave a short slide presentation illustrating the site and the current proposal, soliciting initial reactions from the Commission.
 - The team has applied with MassHousing for Site Approval and anticipate approval at the end of January or early February and will then initiate the ZBA comprehensive permit process. They anticipate a wetland filing with the Conservation Commission in the fall of 2023.
 - 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, to the south by residential properties, and to the west by Paul Brook (and residential properties).
 - The site has State/Federal and City floodplain, BVW, and Buffer Zone.
 - The team will survey all mature trees on the site and provide that information in their application materials.
 - Stormwater will be managed in compliance with the City's Stormwater Ordinance and wetland regulations.
 - Within Commission jurisdiction, the project would restore some of the Riverfront Area and would provide the required compensatory flood storage for the anticipated fill.
- One Commissioner asked whether a 21E study had been completed and that such results be shared with the Commission. The applicant agreed to share results and noted that preliminary results were generally positive ("nothing reportable to date").
- One Commissioner noted interest in a robust planting plan full of native canopy trees.
- When queried by staff, most Commissioners noted their support of the removal of Norway maples if replaced with a truly robust restoration planting plan of native trees (and shrubs).
- The Chair invited public comment.
 - Rob Sellers (16 Olde Field Rd) asked if a comprehensive environmental assessment would be conducted, noted that neighbors had hired a consultant to conduct an assessment that recommended that an "extra" buffer be provided and that disturbance and stormwater management occur outside the buffer zone. He noted that Hagen Road floods and that new development could worsen that situation. He stated that neighbors "had collected 1000 signatures".
 - Hong Liu (Sheldon Road) inquired about the review and permitting process. Staff and Chair summarized the process.
 - Melissa Brown (of Chestnut St and community group "Protect Newton's Trees") asked if the project would require MEPA review, cautioned about damage to trees during construction, and noted the significant swath of trees to the east of the Commission's jurisdiction.
- The team thanked the Commission for their time and input.

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. Site photos
- Presentation (Staff) and Discussion.
 - On 5/18/2018 an ex post facto OOC was issued for an addition, driveway expansion, and removal of a garage.
 - On 8/21/2022 that OOC was due to expire. When preparing to seek an extension, the owner's engineer identified non-compliant grading.
 - The OOC was extended for an additional 6 months to 2/17/2023.
 - The owner has been very responsible. Most of the required plantings were installed and timely memos have been received for extension requests.
 - 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 some 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.
- Vote to issue a 6-month OOC extension with instructions to install the final plantings behind the garage as per the approved planting plan; then the Commission will consider issuing a COC. [Motion: Gilligan, Second: Katz. Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

7. 9:30 – 16 Grace Rd – teardown/rebuild single-family home -- Request for COC -- DEP #239-837

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

- Request. Issue COC.
- Documents in packets. None
- Additional documents presented at meeting. None
- Presentation (Staff) and Discussion.
 - 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 were installed in the fall of 2022, so a “comfort letter” should be issued noting that as soon as the 2-year survival window has lapsed, a COC should be able to be issued.
- Vote to issue a “comfort letter” as noted above. [Motion: Lunin, Second: Gilligan. Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

8. 9:35 – 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
- Presentation (Staff) and Discussion.
 - 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. The plantings along the sides of the buildings are scant, but otherwise are installed as approved and doing well.
- Vote to issue a complete COC. [Motion: Cade, Second: Lunin. Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

B. 9:35 – CONSERVATION AREA DECISIONS – none at this time

C. 9:35 – ADMINISTRATIVE DECISIONS

9. Minutes to be approved

- Documents in packets. Draft 12/20/2022 minutes as edited by Leigh Gilligan.
- Vote to approve the 12/20/22 minutes as edited by Leigh Gilligan. [Motion: Lunin, Second: Zabel. Roll-call vote: Green (aye), Lunin (abstain), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 6:0:1]
- Volunteer. Ellen Katz will review the 1/19/23 minutes.

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

UPDATES

E. 9:35 – WETLANDS UPDATES

10.9:35 – Nahanton St CR – Beaver Activity Causing Flooding

- Owner/Applicant. 210 Nahanton Street Condos
- Request. No formal application has been filed, but communications indicate a desire to remove the beaver dam.
- Documents in packets. None
- Additional documents presented at meeting. Site map and site photos
- Presentation (Staff) and Discussion.
 - Judy Hepburn noted for the record that she and Jennifer Steel sit on the Board of the Nahanton Woods, Inc., the body that hold the CR on the subject property.
 - 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 and an increase in mosquitoes.
 - Staff found that on March 27, 2012, the Conservation Commission issued Order of Conditions #239-649 to Louis Taverna, City Engineer, for work at #2 and #199 Wells Avenue to remove the beaver dam/blockage in the culvert.
 - 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.
 - Steel reviewed the regulatory framework for considering/addressing beaver-related concerns. If there is a documented threat to human health or safety, Health and Human Services can issue an Emergency permit to abate the threat. If there is not an imminent threat, the concerned residents and the owners of the land on which the pond and dam sit would have to submit a Notice of Intent to the Conservation Commission for their preferred abatement efforts.

- Steel noted that the beavers' work is a natural occurrence in a protected natural area and that the forested landscape could be significantly altered as a result of continued flooding, but that to date, to her knowledge, infrastructure is not threatened. The process of wetland evolution would need to be assessed under state law and regulations.
- Steel and Katz attended a webinar on beavers and noted that beavers are a keystone species because the ponds they create support tremendous biodiversity, their dams slow down runoff from large storm events, and their ponds store surface water and recharge aquifers.
- Steel and Katz noted that water flow devices were considered long-term solutions to beaver conflicts and that the Commission should consider such an option if an application were to be brought to the Commission for altering the current conditions.
- Gilligan cautioned that the Commission not “get ahead” of any possible application, with the consideration of possible solutions.

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

11.10:00 – New Representative on the Community Preservation Committee?

- Susan Lunin noted that she has been serving as the Conservation Commission’s representative on the Community Preservation Committee (CPC). Commissioners were asked if any of them were interested in serving in that role. None were. Lunin said that she would be happy to serve another term on the CPC. The Commissioners were unanimous in their support of having Lunin continue to serve on the CPC.
- Steel noted that Lunin’s current term on the Conservation Commission is due to end soon, along with two other members. Lunin said that she would submit an application for another term on the Conservation Commission.
- Staff note: The following members’ terms are due to end in 2023.
 - Lunin: 31-May-2023
 - Zabel: 31-May-2023
 - Cade: 31-July-2023

12.10:05 – Watertown Dam removal letter of support?

- Steel asked if the issue should be placed on the next agenda. The Commission said it should.

13.10:07 – Remote meetings

- Steel noted that as things stand, our legal right to hold Conservation Commission meetings remotely will end on March 31, 2023. She said that the issue is before the state legislature and hopes that resolution will come in advance of March 31st.

ADJOURN at 10:08 [Motion: Gilligan, Second: Zabel. Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]