

CONSERVATION COMMISSION AGENDA

Date: Thursday, March 23, 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) 50 Grace Rd – NOI (continued) – teardown/rebuild SFH – DEP #239-949**
 - Owner/Applicant. Armando Petruzzello, Northern Lights Development
 - Representatives. Wendell Phillips, builder; Edmond Spruhan, Engineer
2. **(7:30) 249 Winchester St – NOI – installation of a fence in floodplain – DEP #239-950**
 - Owner/Applicant. Alexander Murphy, Jr.
 - Representatives. None
3. **(8:00) 191 Dedham St – ANRAD at Countryside School – DEP #239-951**
 - Owner/Applicant. City of Newton / Josh Morse, Dept of Public Buildings
 - Representatives. Amy Ball, Horsley Witten
4. **(8:20) 19 Staniford St – RDA – construction of a single-family home on a new rear lot**
 - Owner/Applicant. Michael Quinn
 - Representatives. Robert Bibbo, Bibbo Bros. Engineering,
5. **(8:50) 81 Albemarle – NOV/EO resolution**
 - Owner/Applicant. Chirag Bhatt and Heena Pandya
 - Representatives. none
6. **(9:00) 180-210 (aka 190) Needham Street – Enforcement Order Response**
 - Owner/Applicant. CrossPoint
 - Representatives. John Rockwood, EcoTec
7. **(9:10) Crystal Lake – OOC Extension – Algae Treatment – DEP File # 239-861**
 - Owner/Applicant. City of Newton (Nicole Banks, PRC)
 - Representatives. Stephanie Kaiser, P.E. Woodard & Curran, Project Manager
8. **(9:15) City Hall Ponds -- OOC Extension – Dredging – DEP File # 239-878**
 - Owner/Applicant. City of Newton (Tom Fitzgerald, Utilities)
 - Representatives. Jennifer R.M. Burke, P.E. (GZA)

B. (9:20) CONSERVATION AREA DECISIONS

C. (9:20) ADMINISTRATIVE DECISIONS

D. (9:45) ISSUES AROUND TOWN DECISIONS

UPDATES

E. WETLANDS UPDATES

F. CONSERVATION AREA UPDATES

G. ADMINISTRATIVE UPDATES

H. ISSUES AROUND TOWN UPDATES

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

ADJOURN



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Chief
Environmental
Planner**
Jennifer Steel

**Assistant
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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

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DECISIONS

A. WETLANDS DECISIONS

1. (7:00) 50 Grace Rd – NOI (continued) – teardown/rebuild SFH – DEP #239-949

- Owner/Applicant. Armando Petruzzello, Northern Lights Development
- Representatives. Wendell Phillips, builder; Edmond Spruhan, Engineer
- Proposed Project Summary.
 - Demolish existing single-family home and driveway
 - Construct new single-family home and driveway in the same location
 - Increase impervious area in RFA by 455 sf (from 2,480 sf to 2,935 sf)
 - Install infiltration chambers under the driveway.
 - Remove 7 trees within Riverfront Area (7", 7", 7", 7", 7", 8", and 11" = 54")
 - Create mitigation planting area.
- Request. Issue OOC.
- Documents in packets. Highlighted civil plan, planting plan
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Riverfront Area
- Performance Standards.

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

- ... work improves existing conditions.
- Redevelopment means ... reuse of degraded or previously developed areas.
- A previously developed riverfront area contains areas degraded prior to August 7, 1996....
- Work to redevelop previously developed riverfront areas shall ...:
 - (a) ... result in an improvement over existing conditions ...
 - (b) Stormwater management is provided according to standards
 - (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).
 - (f) ... more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
 - (g) ... more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
 - (h) The issuing authority shall include a continuing condition in the COC ...under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....



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- Staff Notes.
 - Revised plans have been received showing:
 - Relocated sediment controls now ~7 feet from the pine trees along the property line
 - Erosion control notes have been added to indicate silt fence and compost sock, but the location of the erosion controls on the plans (the line type) is not clear.
 - 2 areas of work: “major” and “minor” and restrict grading changes to “major” area
 - Proposed removal of 7”, 7”, 7”, 7”, 7”, 8”, and 11” trees within Riverfront Area. This totals 54” inches (not 29” as shown on the planting plan). (Note: The tree and shrub removal undertaken under the “old” OOC should also be considered.)
 - New mitigation planting area (supposed to be 1000 sf, appears to be more like 970 sf)
 - Questions/Comments
 - Reminder: Any time plan changes are submitted, the engineer of record must issue a “plan change memo”.
 - In addition to the “new” proposed removal of 7 trees, the hemlock hedge, pine tree, and front yard tree were removed earlier.
 - The plans note “retaining” wall. Does that refer to the stone wall at the rear of the site?
 - Where will construction fence go? It should be placed along the “major/minor” divide to protect the far corner from grading changes and heavy equipment.
 - The bounds of the mitigation planting area encompass ~930 sf (not 1000 sf)
 - A mitigation area of 1000 sf accounts for the expansion of impervious area, but not the prior cutting of the row of hemlocks.
 - The bounds as shown do not define a clear area to be protected in perpetuity (as per the regulations).
 - A larger area (incorporating existing trees) should be bounded and protected.
 - The planting plan provided on a separate sheet should not be cited as the approved plan.
 - It does not comport with the site plan.
 - It includes Ginko, Malus, and Prunus, all native to the Old World.
 - It doesn’t include any native trees, shrubs, or groundcover.
 - Note: The OOC (DEP file #239-772) for a teardown/rebuild will need to be closed with a COC prior to expiration.
- Staff Recommendation. Vote to close the hearing and issue an Order of Conditions once the following plan changes have been received.
 - Add a note: Work within the “minor” work area will be limited to hand work, with no grading changes or heavy equipment allowed.
 - The entrenched silt fence should wrap the “major” work area. Compost sock alone should be installed along the street edge of the “minor work area” (to protect tree roots).
 - Three bounds shall be placed (5 feet further west than the westerly ones on the current plan): One shall be 5 feet south of the rear lot line, one 5 feet north of the front lot line, and one in the middle of that line to define a protected mitigation area of at least 1300 sf.
 - The bounds shall have informative medallions supplied by the Conservation Office permanently affixed to their tops.
 - The 2 7” hemlocks shown as to-be-removed should be retained.
 - The mitigation planting area shall be filled with the following native species (sourced from reputable growers), appropriately and evenly placed throughout the bounded area:
 - 2 Flowering dogwood (*Benthamidia florida*)
 - 2 Eastern redbud (*Cercis*)
 - 2 Eastern shadbush (*Amelanchier Canadensis*)
 - 3 Mountain laurels (*Kalmia latifolia*)
 - 3 Rosebay rhododendron (*Rhododendron maximum*)
 - 25 Hay-scented ferns
 - Leaf litter mulch 3-4”
 - Outside the mitigation planting area, but within the RFA the following shall be established:
 - 3 of any of the following native understory trees (Flowering dogwood, Eastern redbud, Eastern shadbush)
 - 1 native canopy tree (oak or cherry)
 - Add a continuing condition for the perpetual maintenance of the bounded mitigation planting area.

2. (7:30) 249 Winchester St – NOI – installation of a fence in floodplain – DEP #239-950

- Owner/Applicant. Alexander Murphy, Jr.
- Representatives. None

- Proposed Project Summary. Install a 6-foot privacy fence around property.
- Request. Issue an OOC
- Documents in packets. Highlighted site plan, fence design sketch
- Additional documents presented at meeting. Site photos
- Jurisdiction. Flood zone
- Performance Standards.
 - **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.
 - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**

(b)(1): Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
 - **Conservation Commission Policy for Construction in Flood Zone**
 2. Fences must not restrict hydraulic connection or impede wildlife passage.
 - Installing a fence in BLSF is an alteration, so requires the filing of a NOI.
 - The BLSF performance standards for storm damage prevention and flood control must be demonstrated to be met.
 - For the wildlife habitat interest, the bottom of the fence would need to be elevated to provide for wildlife passage, similar to fences constructed in the Riverfront Area.
 - For the storm damage prevention and flood control interests, the fence would have to comply with 310 CMR 10.57(4)(a)2., work "shall not restrict flows so as to cause an increase in flood stage or velocity." The burden is on the Applicant to make this demonstration.
 - **Minor Exempt Project: 310 CMR 10.02(2)(b)(2)(b)**
 - "Fencing, provided it will not constitute a barrier to wildlife movement"
- Staff Notes.
 - The "side" fence segments traverse from a low point of 106.4' to the 100-year flood elevation of 112' NAVD88.
 - The "side" fence segments run perpendicular to the site contours.
 - The "front" fence segment (along Winchester Street) is above the flood elevation
 - No fence will be erected along the rear (wooded) boundary.
 - The fence will be elevated at least 5". Because of the slope of the lot, this will provide adequate passage for wildlife.
 - The intended design of the fence is not clear, but the fence must be "open" enough to "not restrict flows". The Commission could find that alternating (front and back) 4" wide slats on 4"x4" posts could satisfy that requirement.
 - During the pre-hearing site visit, staff noted that since the negative Determination of Applicability was granted in 2018 for the reconstruction of the second floor and sunroom and deck, there has been unpermitted clearing of vegetation to create lawn. The conditions of the 2018 negative Determination were:
 1. No mature trees may be cut.
 2. The owners have not sought permission to redevelop the lawn or driveway, but without further permitting:
 - a. The existing lawn (the entire landscaped area within the limit of work) may be regraded and re-seeded.
 - b. The existing driveway may be resurfaced but may not be expanded (as per 310 CMR 10.02)
 - c. If new loam must be brought in to re-establish lawn, the applicant must seek permission from the Conservation Office and must document the removal of an equal or greater amount of fill. (N.B. No net fill may be added because of floodplain regulations).
- Staff Recommendation.
 - Discuss and determine appropriate response to unpermitted cutting.
 - Vote to issue an OOC with the following site-specific condition:
 - The fence shall be constructed to be at least "50% open" to allow the passage of water. This will be achieved by using 4"x4" posts and slats no more than 4" wide, spaced at least 4" apart, alternating front and back.

3. (8:00) 191 Dedham St – ANRAD at Countryside School – DEP #239-951

- Owner/Applicant. City of Newton / Josh Morse, Dept of Public Buildings
- Representatives. Amy Ball, Horsley Witten
- Proposed Project Summary. Confirmation of wetland resource areas (in advance of constructing a new elementary school).

- Request. Issue an Order of Resource Area Delineation (ORAD) confirming the wetland resource areas on the approved plans.
- Documents in packets. Highlighted wetland resource area plans (2 pages)
- Additional documents presented at meeting. Site photos
- Jurisdiction.
 - **Riverfront Area**
 - **BVW**
 - **Buffer Zone**
 - **Bordering Land Subject to Flooding: 10.57**
 - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
- Performance Standards. Not applicable at this point in time.
- Staff Notes.
 - Staff confirmed the Bank, Riverfront Area, and Bordering Vegetated Wetland flags (and Buffer Zone) in September 2022.
 - Staff confirmed with the 100-year flood elevation of 112.4' NAVD88.
- Staff Recommendation. Vote to close the hearing and issue an ORAD approving the wetland resource areas as shown on the referenced plans.

4. (8:20) 19 Staniford St – RDA – construction of a single-family home on a new rear lot

- Owner/Applicant. Michael Quinn
- Representatives. Robert Bibbo, Bibbo Bros. Engineering,
- Proposed Project Summary.
 - Single-family home was Administratively Approved for demolition and rebuild as being outside the 100-foot Buffer.
 - Now they want to build that house and another in a rear-lot subdivision.
- Request. Issue a Determination of Applicability
- Documents in packets. Locus map, highlighted civil engineering plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. 100-foot Buffer Zone, flood zone at rear of site (no work proposed in or near the flood zone)
- Performance Standards.
 - **Buffer Zone 1983 preamble**
 “It has been the Department's experience that any project undertaken in close proximity to a wetlands resource area has a high likelihood of resulting in some alteration of that area, either immediately, as a consequence of daily operation of the completed project.” “Ultimately, the buffer zone filing requirement is only a device by which local conservation commissions can be informed of work which in the Department's experience is sufficiently close to vegetated wetlands to pose significant potential for adverse impact.”
- Staff Notes/Questions.
 - In 2021, Administrative Approval was granted for demolition of the old house within an approved limit of work (because that work was clearly outside the 100-foot buffer zone). That limit has been exceeded with the installation of erosion controls and construction fence.
 - Has the lot been subdivided? The plan shows “proposed lot 14A” and “proposed lot 14B”?
 - Who is the owner of the new (rear) lot?
 - Has the wetland been flagged? Flags were not apparent in the field and the plan indicates only an “approximate wetland line” and “approximate” buffer. If there is BVW beyond the standing water, the line of pine trees may be within the 100-foot buffer zone.
 - Why are “approximate” contours being used? Why are contours at rear shown in 5-foot increments?
 - What does the bold, green, 65-foot contour line indicate?
 - It is not clear on the plan what is existing and what is proposed (particularly with regard to trees and topography)
- Staff Recommendations.
 - Issue a positive Determination so that more precise plans can be submitted and an Order of Conditions can be issued to ensure the protection and health of the slope and the wetlands below.
 - Require that the bordering vegetated wetland be flagged and located on the plans.
 - Require contours (existing and proposed) to be shown and shown in 1-foot increments.
 - Require landscaping (existing and proposed) to be shown.
 - Seek details for the treatment of the slope. Will the dilapidated fences and debris be removed? Will there be enhancement plantings? Etc.

5. (8:50) 81 Albemarle – NOV/EO resolution

- Owner/Applicant. Chirag Bhatt and Heena Pandya
- Representatives. none
- Proposed Project Summary. Remove excess asphalt and replace with grass
- Request. Undertake work without an Order of Conditions
- Documents in packets. Highlighted plans of present conditions and proposed work
- Additional documents presented at meeting. None
- Jurisdiction. **Riverfront Area**
- Performance Standards. N/A
- Staff Notes.
 - The applicants' driveway was constructed larger than allowed (under a now expired OOC).
 - The owners wish to remove the excess asphalt (rather than filing a new NOI to keep it in place).
- Staff Recommendation. Vote to allow the remedial work without a new NOI.

6. (9:00) 180-210 (aka 190) Needham Street – Enforcement Order Response

- Owner/Applicant. CrossPoint
- Representatives. John Rockwood, EcoTec
- Proposed Project Summary. To bring site into compliance with expired order:
 - Address invasives
 - Plant woody vegetation
 - Restore rain garden.
- Request. Approve plan to bring site into compliance.
- Documents in packets. Highlighted letter, rain garden plan sheet
- Additional documents presented at meeting. TBD
- Jurisdiction. Riverfront Area, Flood Zone, and Buffer Zone.
- Performance Standards. Not applicable
- Staff Notes.
 - The plans appear to be well considered and appropriate.
 - Staff would like to have plan sheets showing the proposed planting locations or areas and the anticipated invasive treatment areas.
- Staff Recommendation. Consensus to approve the proposed plan once the two additional plan sheets have been provided.

7. (9:10) Crystal Lake – OOC Extension – Algae Treatment – DEP File # 239-861

- Owner/Applicant. City of Newton (Nicole Banks, PRC)
- Representatives. Stephanie Kaiser, P.E. Woodard & Curran, Project Manager
- Proposed Project Summary. Algae treatment
- Request. 3-year extension
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. **LUWW**
- Performance Standards. Not applicable
- Staff Notes.
 - 3-year in-lake nutrient management of Crystal Lake was permitted in 2020 to address summertime toxic algal blooms in Crystal Lake. The first in-lake treatment (phosphorus inactivation by the application of alum) was performed in May 2020, and a second treatment was performed in May of 2022. Seasonal monitoring of Crystal Lake was performed from 2020 through the fall of 2022.
 - The intended surficial sediment phosphorus inactivation has been completed as of 2022 and internal loading should be curtailed for an extended period. However since watershed inputs continue, it is possible that a future reduced dose aluminum treatment may be warranted.
 - Therefore, the applicant is requesting an extension to allow for a future maintenance dose, if needed. Woodard & Curran will continue to coordinate with the City regarding monitoring, reporting, and treatment considerations.
- Staff Recommendation. Vote to issue a 3-year extension of the Order of Conditions with continued annual reporting requirements (by November 15th of each year).

8. (9:15) City Hall Ponds -- OOC Extension – Dredging – DEP File # 239-878

- Owner/Applicant. City of Newton (Tom Fitzgerald, Utilities)
- Representatives. Jennifer R.M. Burke, P.E. (GZA)
- Proposed Project Summary. Dredging for flood storage
- Request. 3-year extension
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. LUWW
- Performance Standards. Not applicable
- Staff Notes.
 - The maintenance dredging project was originally scheduled to occur in the fall of 2021, but the United States Army Corps of Engineers (USACE) individual Section 404 permit was issued in June 2022 (a full year later than hoped). The City finalized the bid documents and bid the project in the fall of 2022, anticipating construction in the fall/winter 2022/2023, with restoration in spring/summer 2023 but bids came in very high due to limited off-site sediment reuse opportunities in Massachusetts so the bid was cancelled. The City is in the process of determining options for alternate disposal/reuse sites and is hoping to re-bid the project in the summer of 2023, for construction in fall/winter 2023/2024. However, with limited options for reuse/disposal there is significant uncertainty, so work is anticipated to occur past the original November 20, 2023 expiration date.
- Staff Recommendation. Vote to issue a 3-year extension of the Order of Conditions.

B. (9:20) CONSERVATION AREA DECISIONS

C. (9:20) ADMINISTRATIVE DECISIONS

9. (9:20) Watertown Dam project

- Staff Notes. In response to the request to hear from concerned parties, Robert Kearns wrote to the Commission offering:
 - Taking a site visit to Watertown Dam with CRWA staff and/or peer ConCom members from Watertown or Waltham;
 - Holding a short conversation peer ConCom members from Watertown or Waltham during an upcoming meeting;
 - Holding a short conversation with representatives of Mass Audubon during an upcoming meeting;
 - Submitting further questions to CRWA; or
 - Tabling the discussion until the project has progressed further.
- Staff Recommendation: Arrange to take a site visit with ConCom members from adjacent town(s).

10. (9:30) Vote re reappointing Jeff Zabel to the Farm Commission

- Staff Notes.
 - Would anyone else like to be the ConCom member on the Farm Commission?
 - Jeff is on the Farm Commission, Susan is on CPC, Dan is on the Newton Commonwealth Golf Foundation. Should we set aside a few minutes quarterly to hear reports from each representative?
- Staff Recommendation. Vote to reappoint Jeff Zabel to the Farm Commission.
 - Also: Commissioners should submit suggestions for a new Associate Member (to create pool of experienced members).

11. (9:40) Minutes to be approved

- Documents in packets. Draft 3/2/2023 minutes.
- Staff Recommendation. Vote to approve the 3/2/2023.
- Volunteer. Who will volunteer to review the 3/23/23 minutes?

D. (9:45) ISSUES AROUND TOWN DECISIONS

UPDATES

E. WETLANDS UPDATES

F. CONSERVATION AREA UPDATES

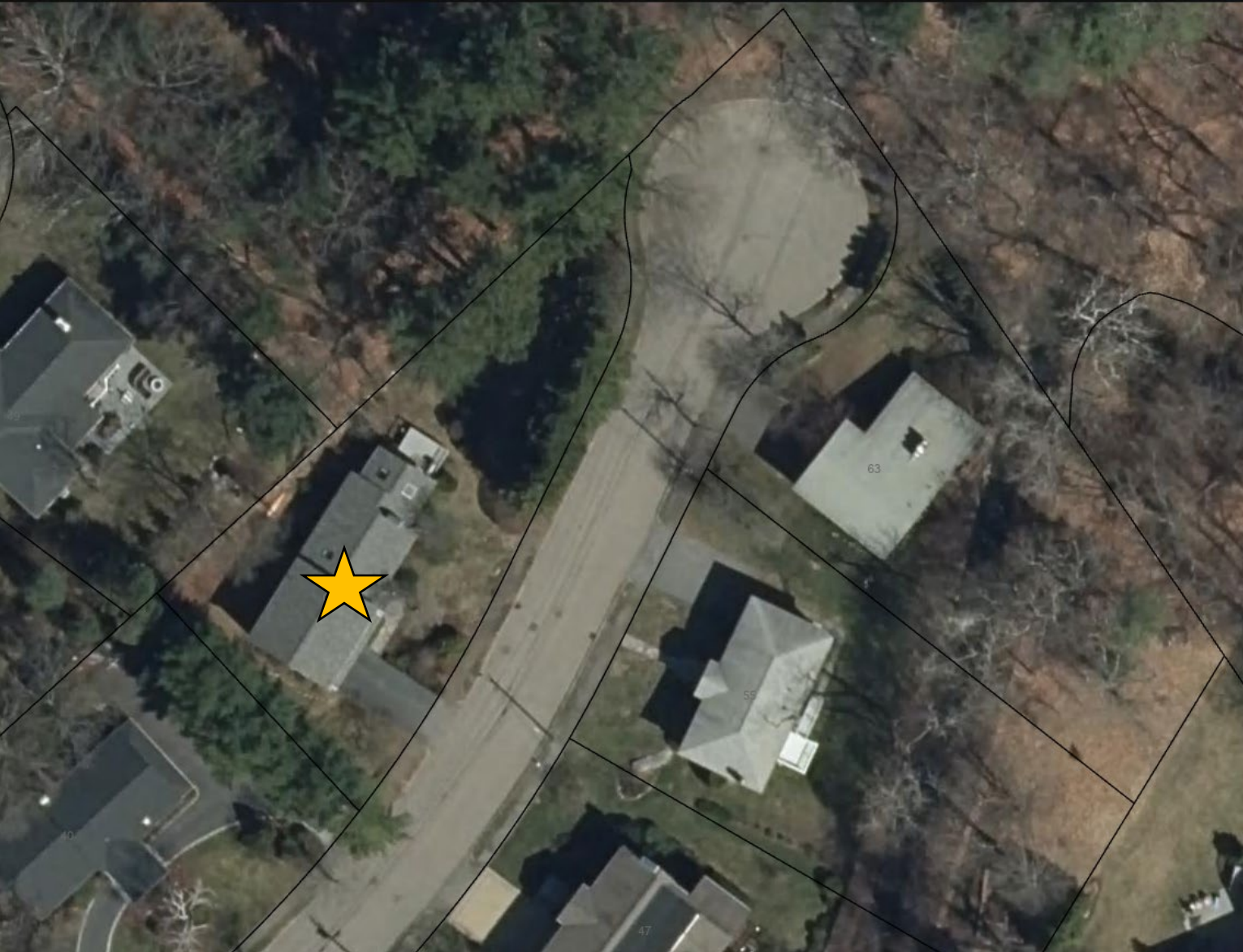
G. ADMINISTRATIVE UPDATES

H. ISSUES AROUND TOWN UPDATES

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

ADJOURN

50 Grace Rd





Spruhan Engineering, P.C.

80 JEWETT ST. (SUITE 2) NEWTON, MA 02458
Tel: 617-816-0722
Email: edmond@spruhaneng.com

50 GRACE ROAD
NEWTON
MASSACHUSETTS

CIVIL PLAN

REVISION BLOCK

DESCRIPTION	DATE
REVISED AS PER CITY COMMENTS	2/13/23
MITIGATION AREA ADDED	2/14/23
REVISED AS PER CONSERVATION COMMENTS	3/08/23
REVISED AS PER CONSERVATION COMMENTS	3/10/23

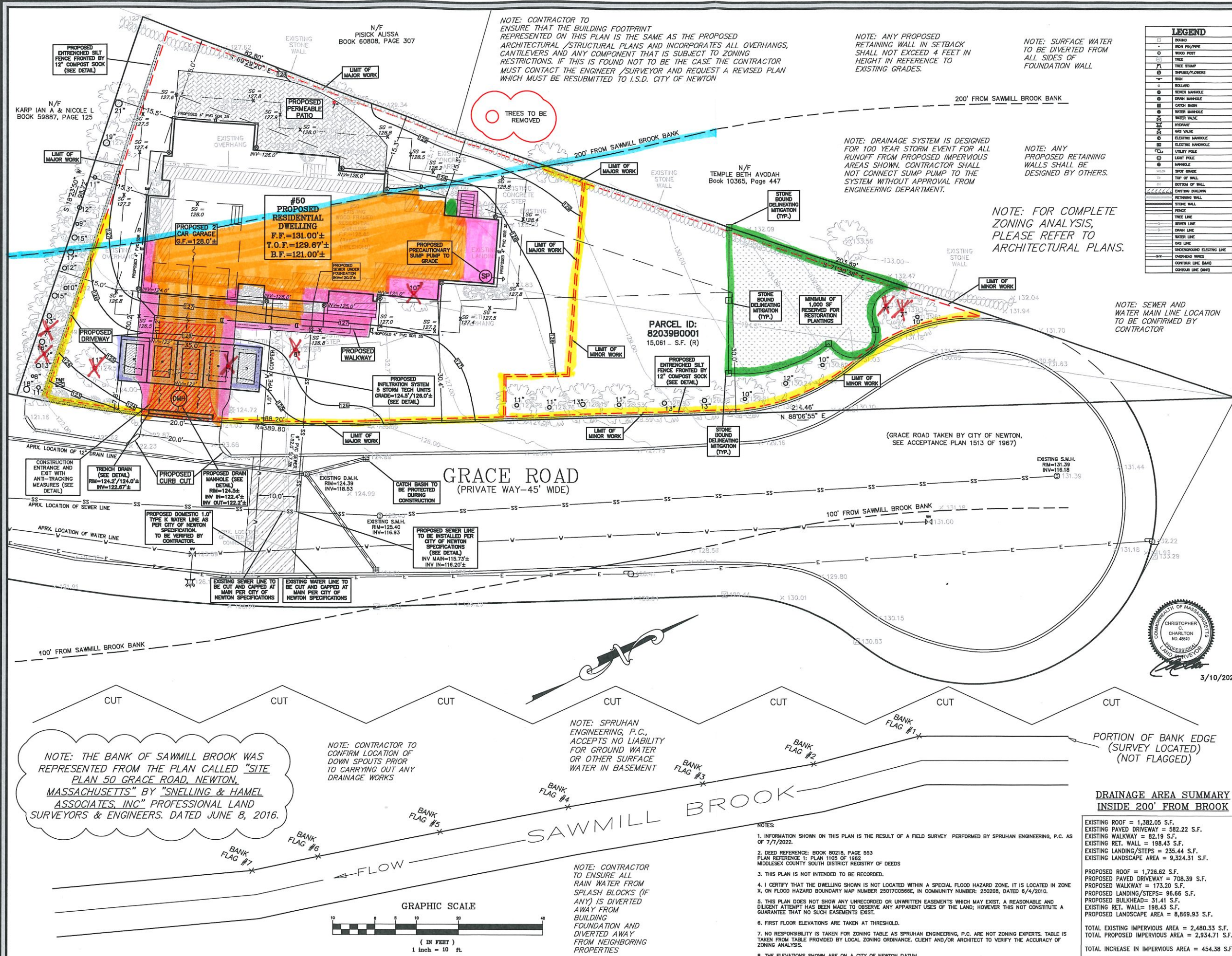
All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C., must be notified of any variation from the dimensions and conditions shown by these drawings.

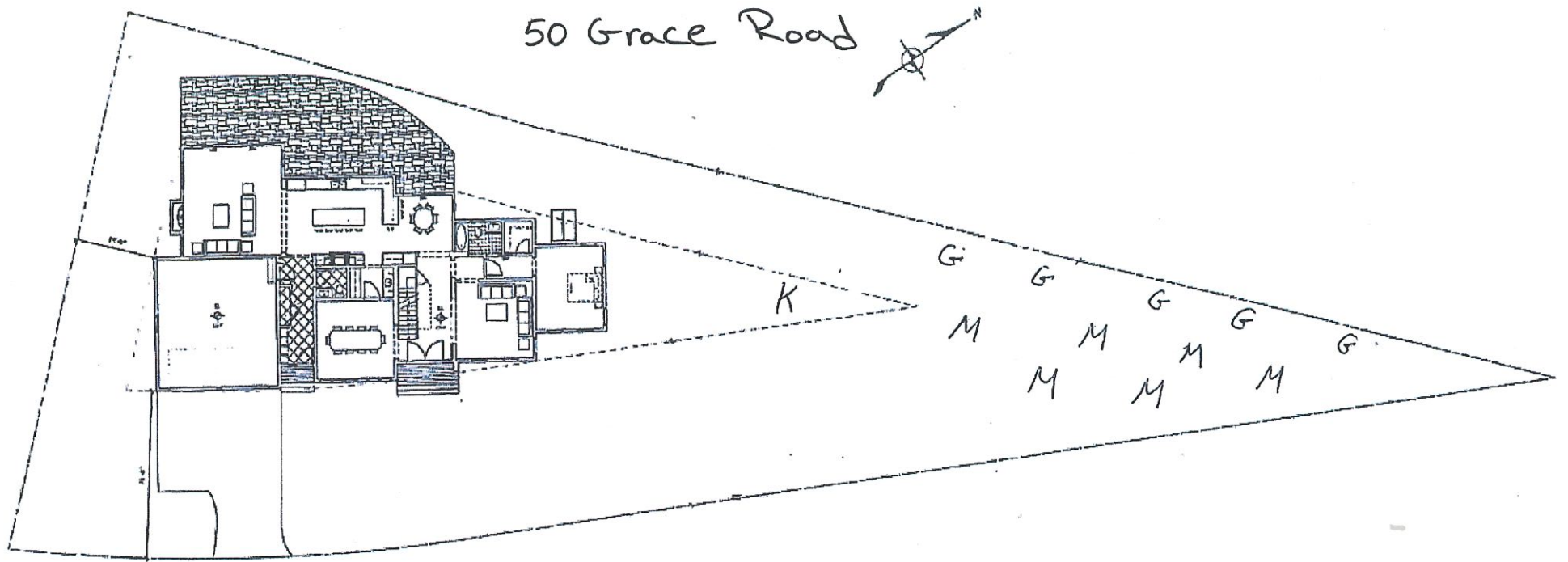


DATE:	1/18/2023
DRAWN BY:	O.G
CHECKED BY:	C.C
APPROVED BY:	E.S

CIVIL PLAN

SHEET 2 OF 4





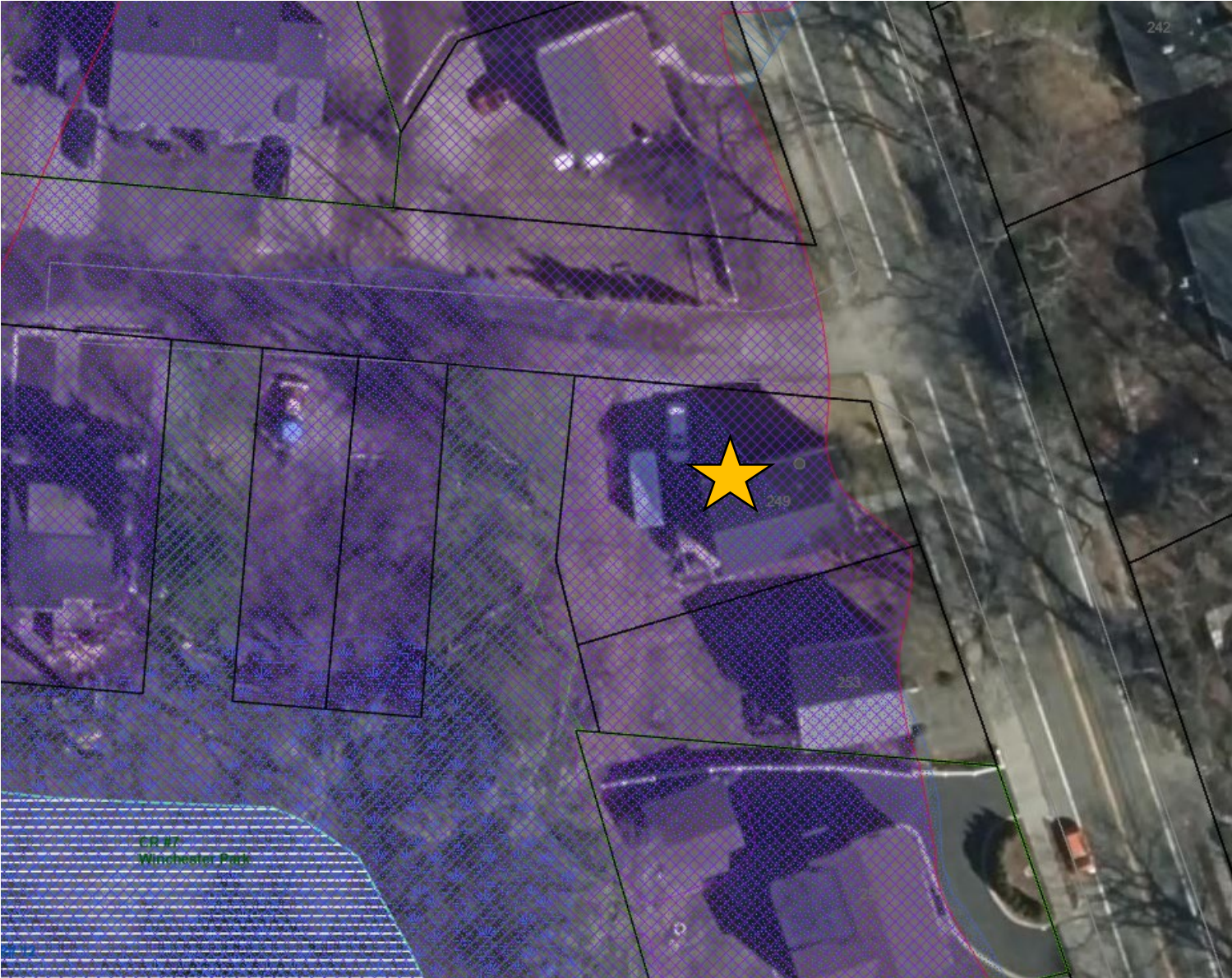
29" trees cut
30" replaced

5 G = 2.5" Ginkgo Biloba Jade Butterfly

6 M = 2.5" Malus Prainii fire

1 K = 2.5" Prunus Serrulata Kwanzan

249 Winchester St

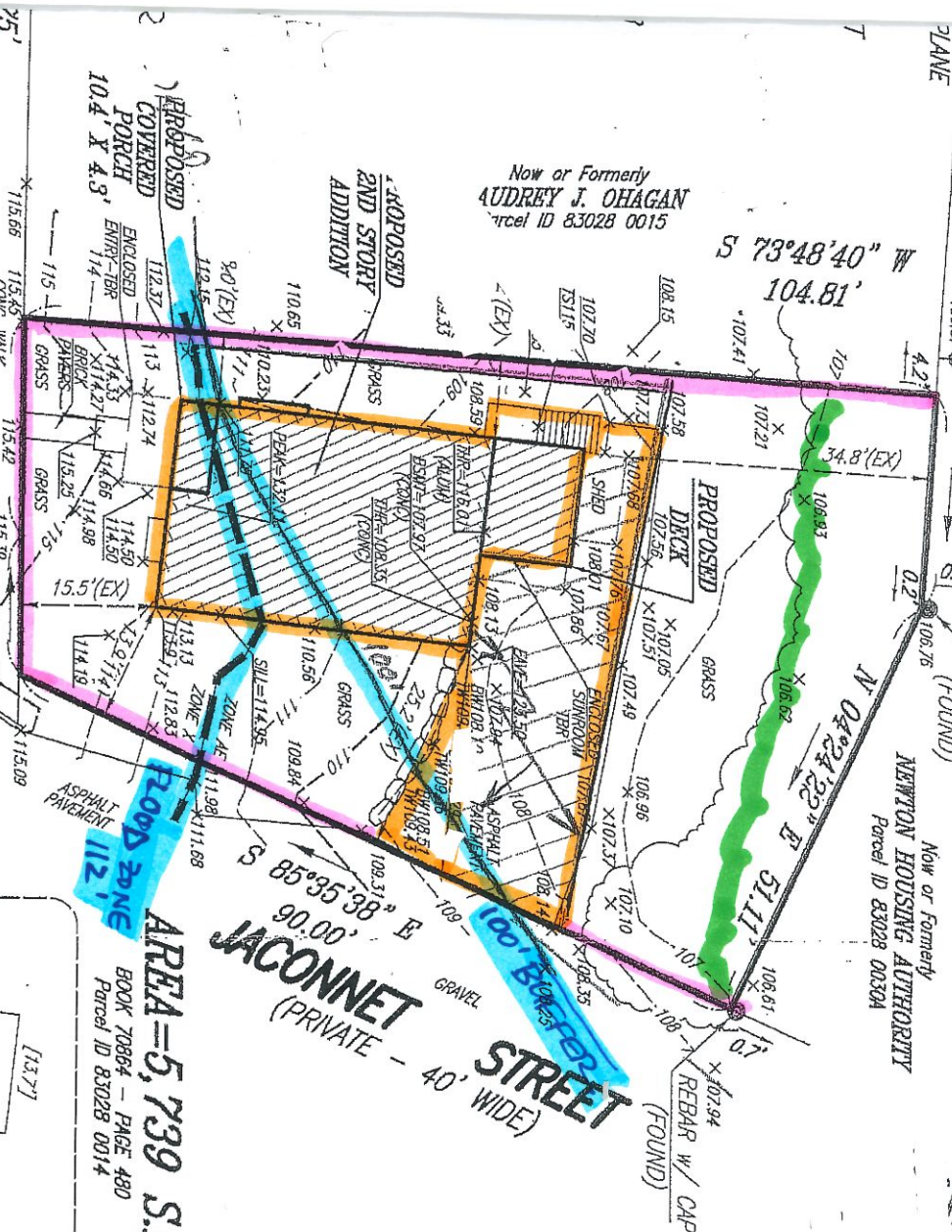


ESTIMATED WETLAND LINE



IRON ROD (FOUND)
N 16°42'35" W
25.00'
REBAR w/ CAP (FOUND)
N 04°24'22" E 51.11'
Now or Formerly
NEWTON HOUSING AUTHORITY
Parcel ID 83028 0030A

Now or Formerly
AUDREY J. OHAGAN
Parcel ID 83028 0015



PROPOSED COVERED PORCH
10.4' X 4.3'

PROPOSED 2ND STORY ADDITION

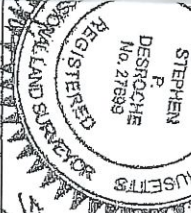
PROPOSED DECK

2000 ZONE
112'

AREA = 5,739 S.F.
BOOK 70864 - PAGE 480
Parcel ID 83028 0014

JACONNET STREET
(PRIVATE - 40' WIDE)

ED ON AN ACTUAL FIELD
NORTH OF MASSACHUSETTS



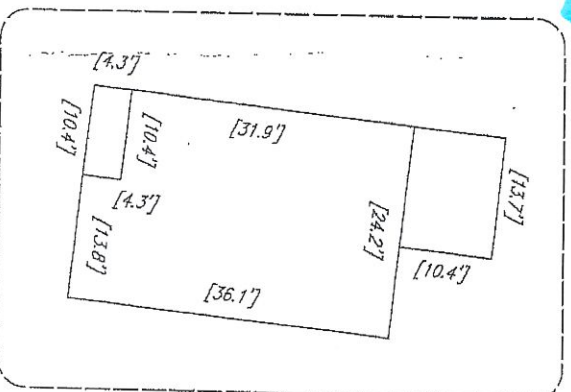
27699)

DATE 5/30/18

ZONE: MRL (MULTI-RESIDENCE 1)

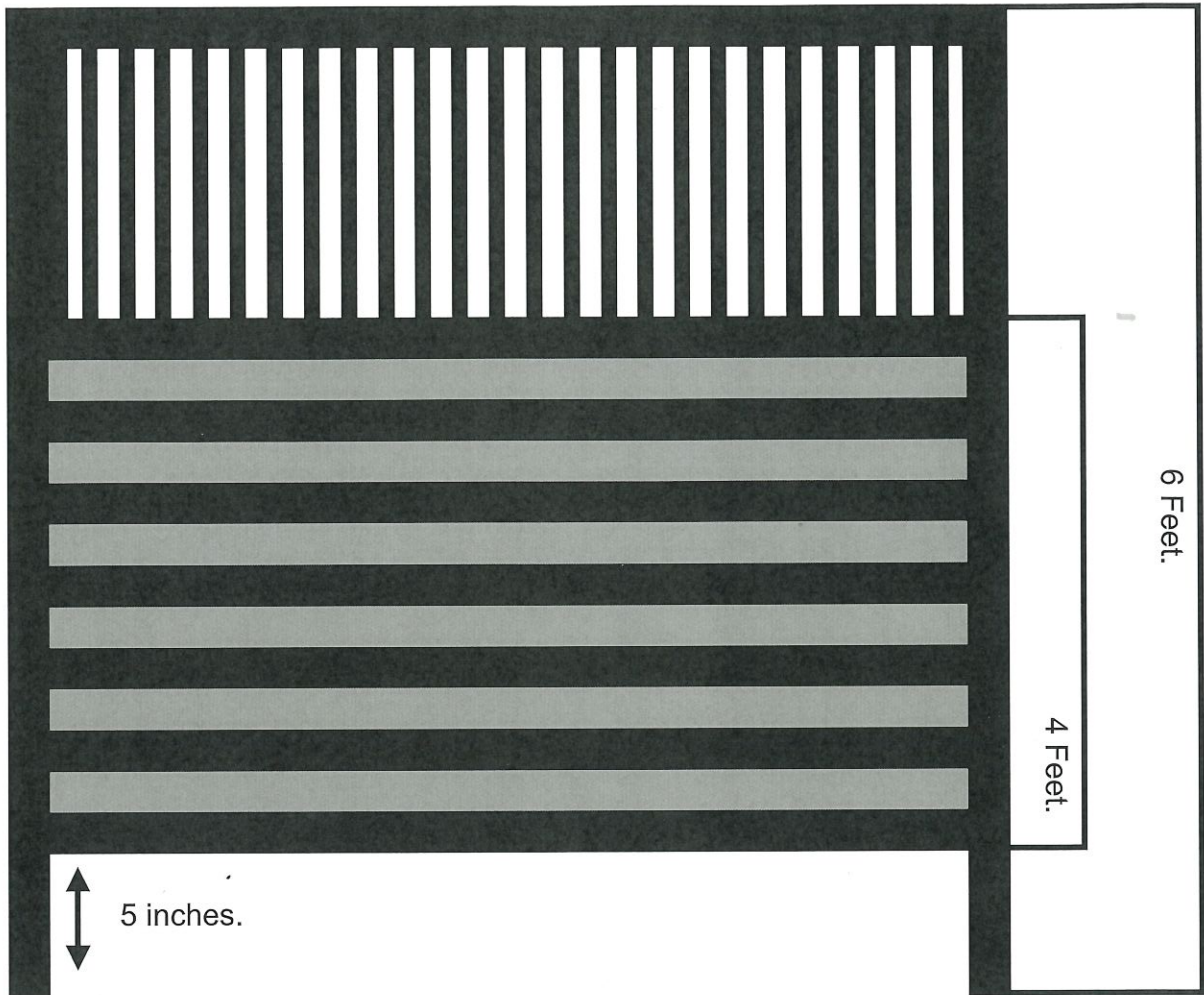
WINCHESTER STREET
(PUBLIC)

R=3321.75
L=25.00'
S 20°13'06" E
16.28'



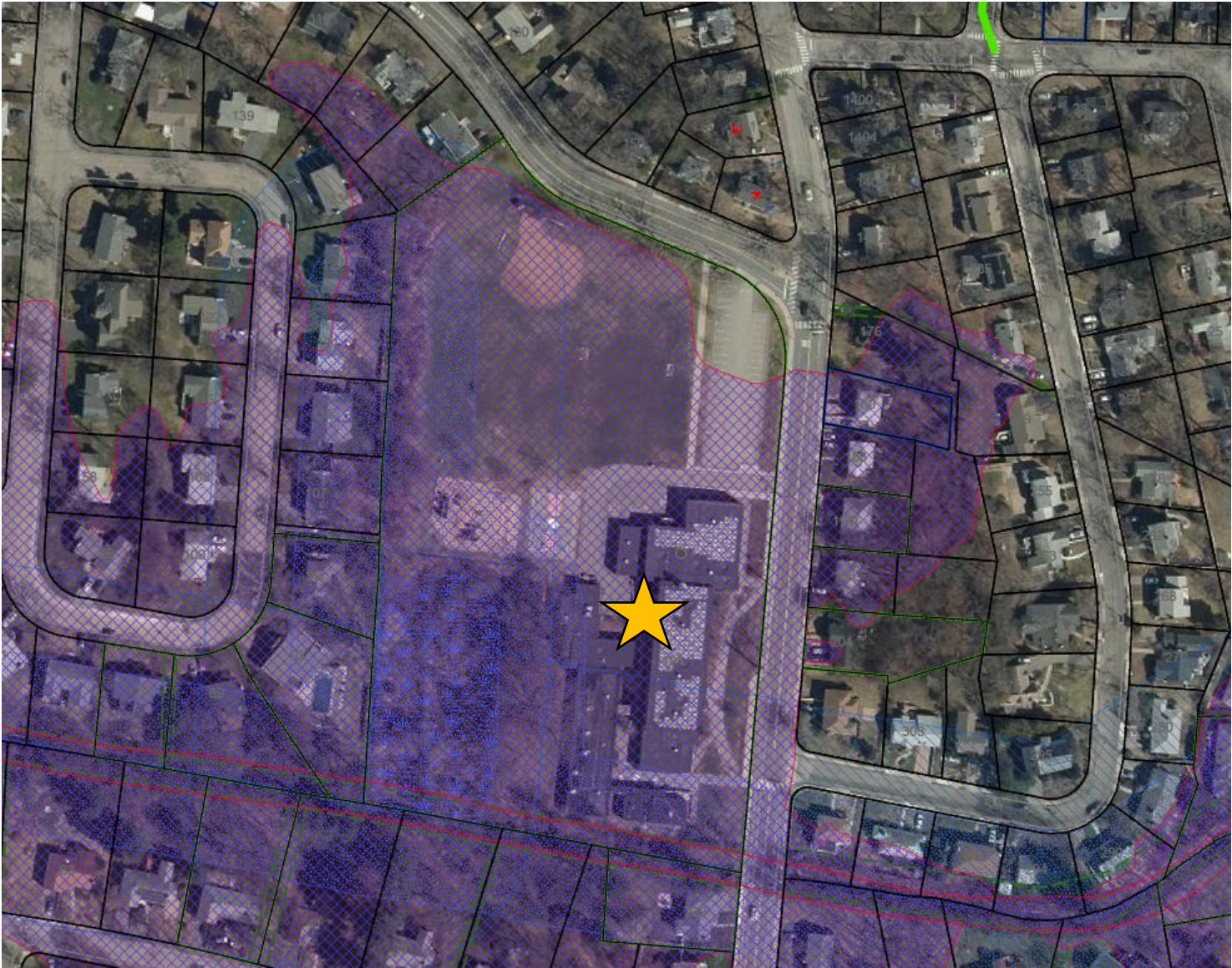
PROPOSED BUILDING DIMENSIONS - NTS

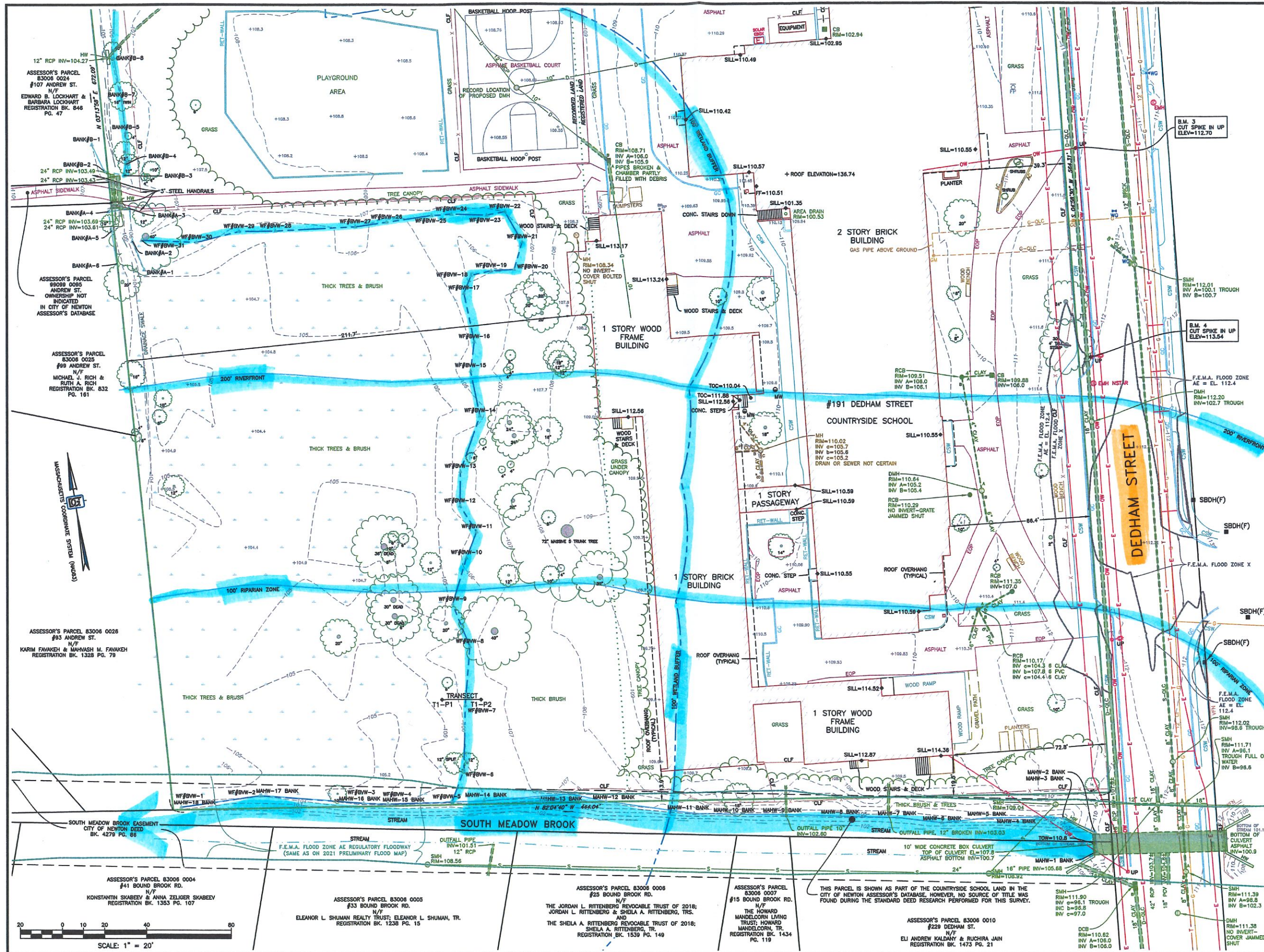
Lattice 50% Open.



Fence Sketch
Alexander Murphy
249 Winchester Street
Newton Highlands, MA 02461
03/04/2023

191 Dedham St, Countryside School





ISSUED FOR:
**EXISTING CONDITIONS
BASE PLAN**



DATE: 9-AUG-2022

NO.	APP.	DATE	DESCRIPTION
3	PAL	13-MAR-23	REM. MAPPED FLOOD
2	PAL	2-FEB-23	ADD. DRAINAGE INFO
1	PAL	9-JAN-23	EXPANDED SURVEY

SCALE: 1" = 20'

DESIGN:	DRAFTED:	CHECKED:
XDX	PAL	PAL

PROJECT TITLE:

**COUNTRYSIDE
ELEMENTARY
SCHOOL**

#191 DEDHAM STREET
NEWTON, MASSACHUSETTS

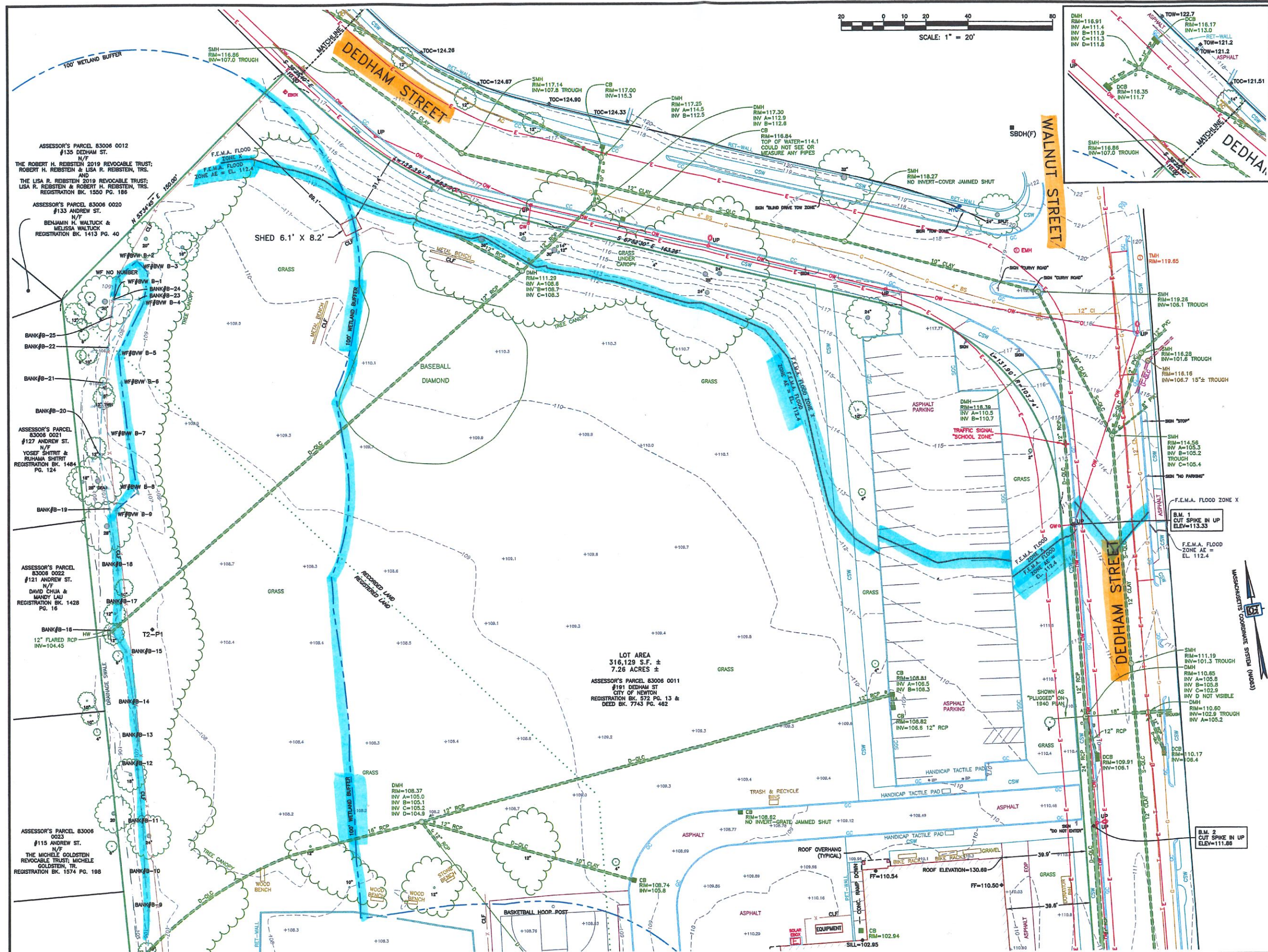
SHEET TITLE:

TOPOGRAPHIC AND
BOUNDARY SURVEY

SHEET:
2 OF 3

PROJECT NO.:
F-25807

EC-2



DGT Associates
Surveying & Engineering
 Framingham • Boston • Worcester • Preston, CT
 1071 Worcester Road
 Framingham, MA 01701
 508-879-0030
 www.DGTassociates.com

ASSESSOR'S PARCEL 83006 0012
 #135 DEDHAM ST.
 N/F
 THE ROBERT H. REIBSTEIN 2019 REVOCABLE TRUST;
 ROBERT H. REIBSTEIN & LISA R. REIBSTEIN, TRS.
 AND
 THE LISA R. REIBSTEIN 2019 REVOCABLE TRUST;
 LISA R. REIBSTEIN & ROBERT H. REIBSTEIN, TRS.
 REGISTRATION BK. 1350 PG. 186

ASSESSOR'S PARCEL 83006 0020
 #133 ANDREW ST.
 N/F
 BENJAMIN H. WALTUCK &
 MELISSA WALTUCK
 REGISTRATION BK. 1413 PG. 40

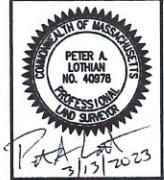
ASSESSOR'S PARCEL 83006 0021
 #127 ANDREW ST.
 N/F
 YOSEF SHIRIT &
 RUHAMA SHIRIT
 REGISTRATION BK. 1484
 PG. 124

ASSESSOR'S PARCEL 83006 0022
 #121 ANDREW ST.
 N/F
 DAVID CHUA &
 MANDY LAU
 REGISTRATION BK. 1428
 PG. 16

ASSESSOR'S PARCEL 83006 0023
 #115 ANDREW ST.
 N/F
 THE MICHELE GOLDSTEIN
 REVOCABLE TRUST; MICHELE
 GOLDSTEIN, TR.
 REGISTRATION BK. 1574 PG. 198

LOT AREA
 316,129 S.F. ±
 7.26 ACRES ±
 ASSESSOR'S PARCEL 83006 0011
 #191 DEDHAM ST.
 CITY OF NEWTON
 REGISTRATION BK. 572 PG. 13 &
 DEED BK. 7743 PG. 462

ISSUED FOR:
**EXISTING CONDITIONS
 BASE PLAN**



NO.	APP.	DATE	DESCRIPTION
3	PAL 13-MAR-23	REM. MAPPED FLOOD	
2	PAL 2-FEB-23	ADD. DRAINAGE INFO	
1	PAL 9-JAN-23	EXPANDED SURVEY	

DATE: **9-AUG-2022**
 SCALE: 1" = 20'

DESIGN:	DRAFTED:	CHECKED:
XXX	PAL	PAL

PROJECT TITLE:
**COUNTRYSIDE
 ELEMENTARY
 SCHOOL**

#191 DEDHAM STREET
 NEWTON, MASSACHUSETTS

SHEET TITLE:
 TOPOGRAPHIC AND
 BOUNDARY SURVEY

SHEET:
 3 OF 3
 PROJECT NO.:
 F-25807
EC-3
 © 2023 BY DGT ASSOCIATES

19 Staniford St





RECORD OWNER:
KANE BUILT INC.

DEED REFERENCE:
BOOK 77938 PAGE 158

PLAN REFERENCE:
PLAN OF AUBURN DALE NEWTON
DATED JUNE 7, 1849
PLAN BOOK 3 PLAN 43

PLAN 35 OF 2000
BOOK 31501 PAGE 47

LOT 14A AND 14B ARE PROPOSED.

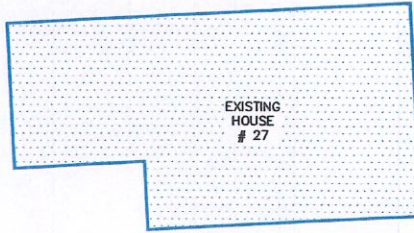
THE HOUSE SHOWN ON THIS PLAN IS IN FLOOD ZONE "X" AND IS NOT IN THE 100 YEAR FLOOD PLAIN AREA AS DESIGNATED BY THE FLOOD INSURANCE RATE MAP PANEL #25017C0551E DATED JULY 4, 2010.

ALL ELEVATIONS SHOWN ARE ON THE NAVD 88 SYSTEM. TO CONVERT TO THE CITY OF NEWTON SYSTEM ADD 6.53 FEET.

SEWER MANHOLE RIM:
RIM=67.34 (NAVD 88)
RIM= 73.87 (NEWTON SEWER)

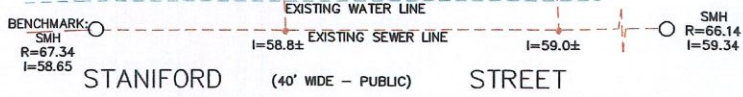
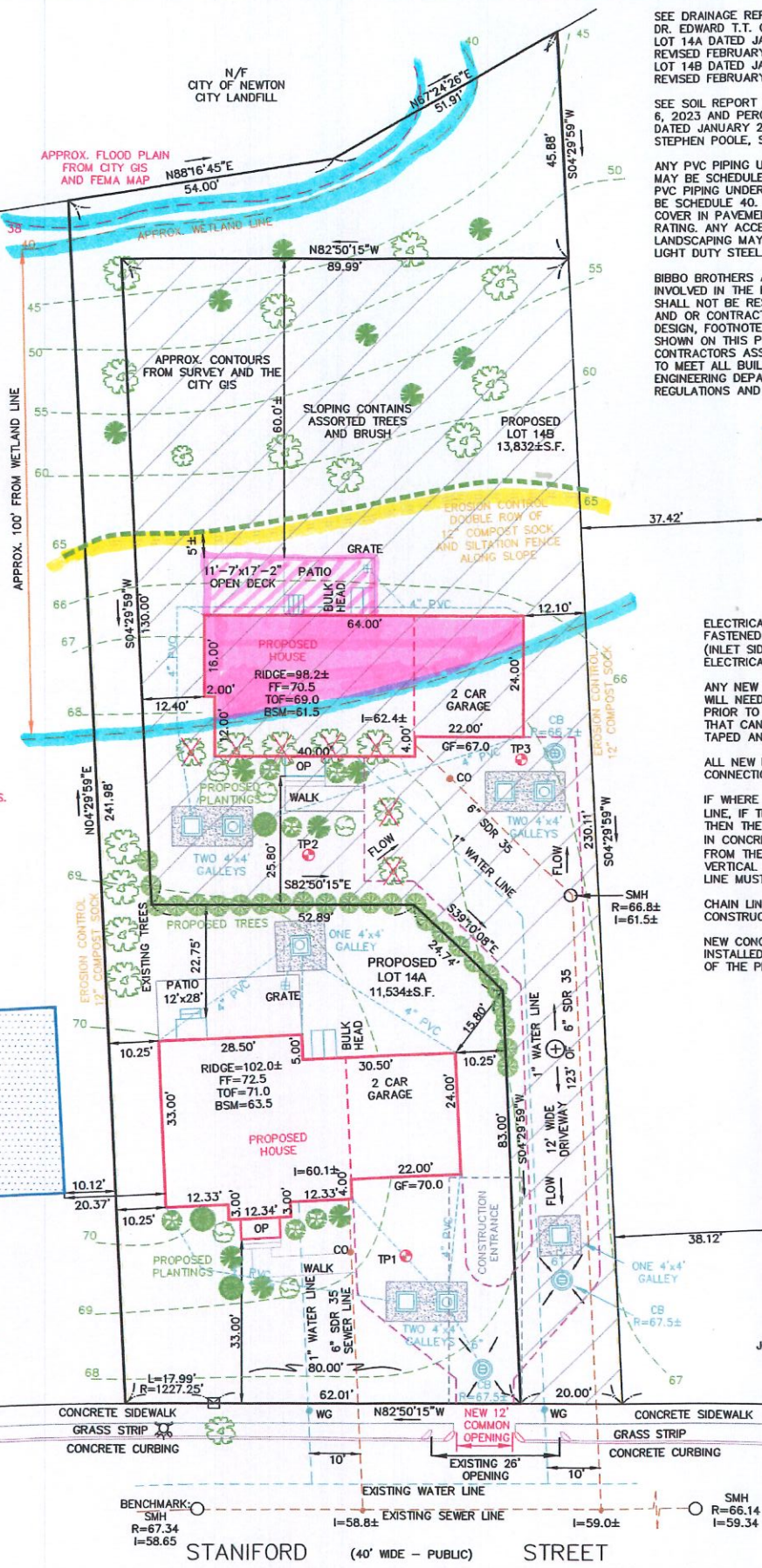
TREES THAT ARE MARKED WITH A RED "X" ARE TO BE REMOVED. APPROXIMATELY 110 INCHES.

THE AMOUNT OF 110 INCHES IN TREES SHALL BE REPLACED WITH 28 - 4" PINE TREES =



27 STANFORD STREET
23,345±S.F.
N/F
LISA LUO YUXIA AND
GEORGE ZHANG YUHUA

- LEGEND:
- TP = TEST PIT
 - FF = FIRST FLOOR
 - TOP = TOP OF FOUNDATION
 - BSM = BASEMENT
 - GF = GARAGE FLOOR
 - CO = CLEAN OUT
 - HYD = HYDRANT
 - CB = CATCH BASIN
 - SMH = SEWER MANHOLE
 - R = RIM
 - I = INVERT
 - SBDH = STONE BOUND DRILL HOLE



SEE DRAINAGE REP. DR. EDWARD T.T. C. LOT 14A DATED JAN. REVISED FEBRUARY LOT 14B DATED JAN. REVISED FEBRUARY

SEE SOIL REPORT D. 6, 2023 AND PERC. DATED JANUARY 24. STEPHEN POOLE, SR.

ANY PVC PIPING UNDER BE SCHEDULE 40. COVER IN PAVEMENT RATING. ANY ACES LANDSCAPING MAY LIGHT DUTY STEEL.

BIBBO BROTHERS A INVOLVED IN THE D SHALL NOT BE RES AND OR CONTRACT DESIGN, FOOTNOTES SHOWN ON THIS PL CONTRACTORS ASSI TO MEET ALL BUILD ENGINEERING DEPAR REGULATIONS AND

ELECTRICAL FASTENED (INLET SIDE ELECTRICAL

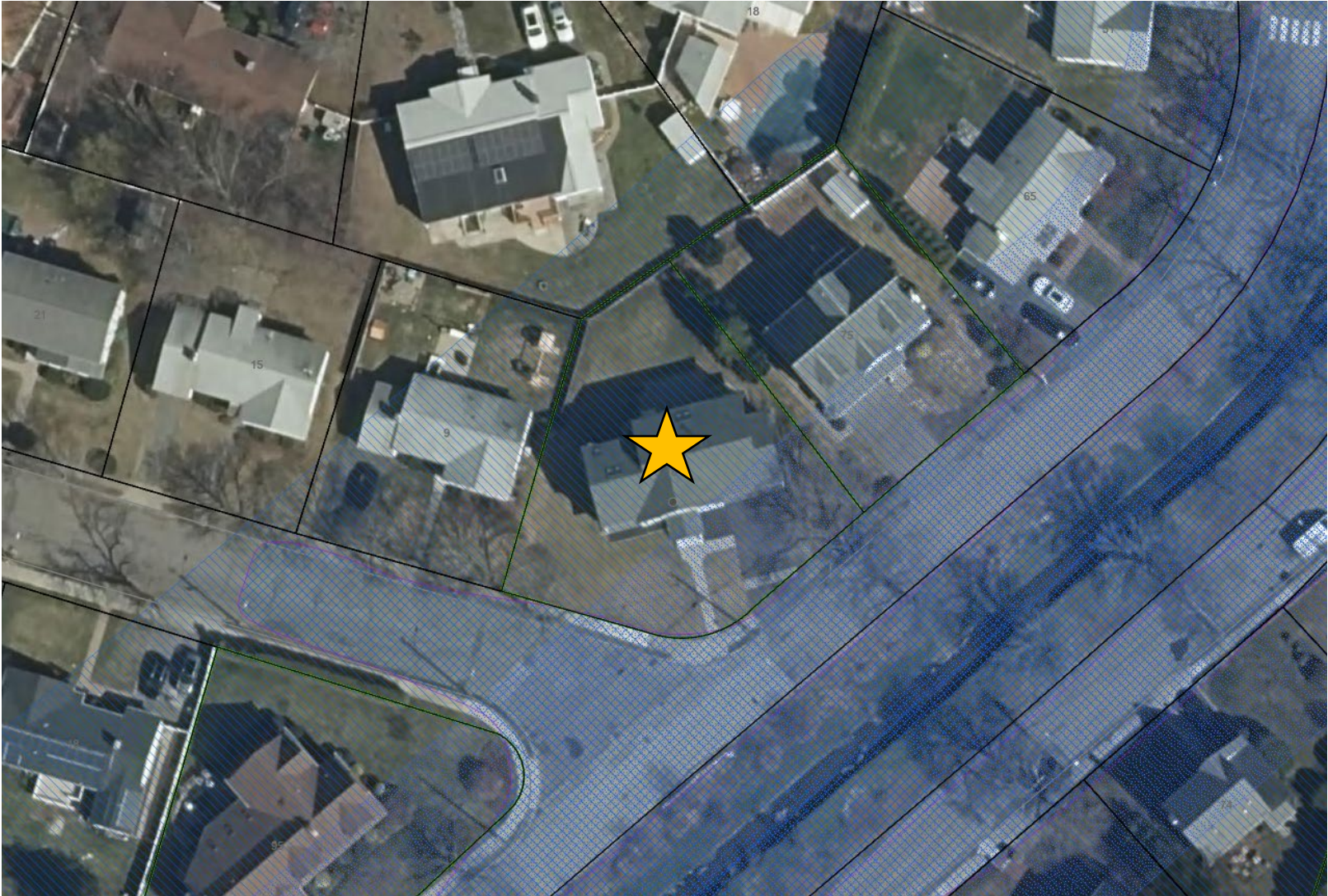
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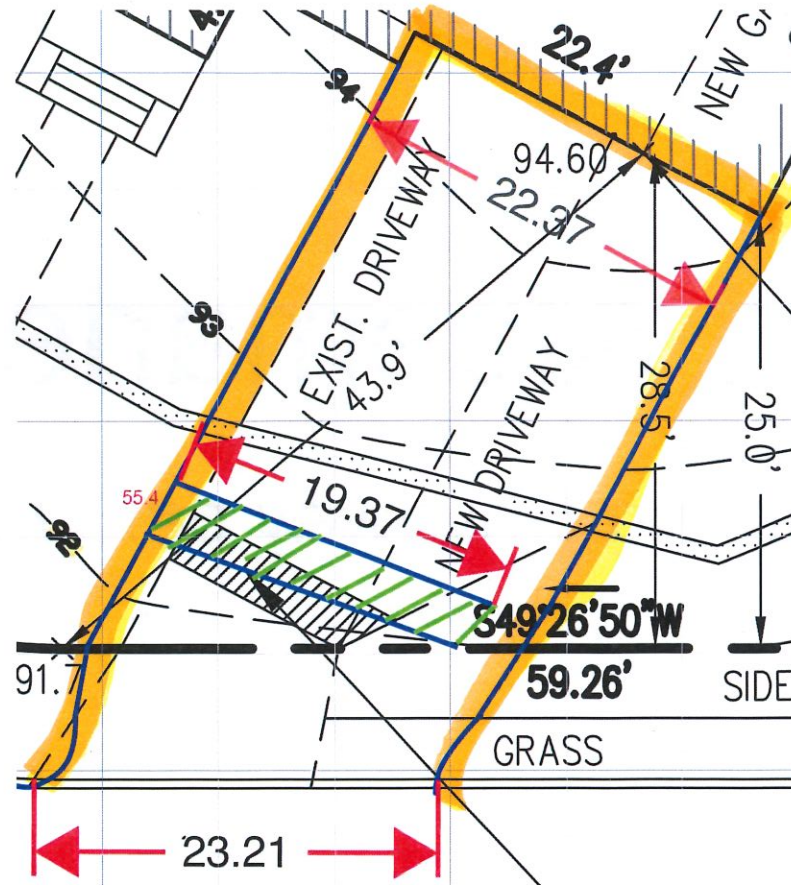
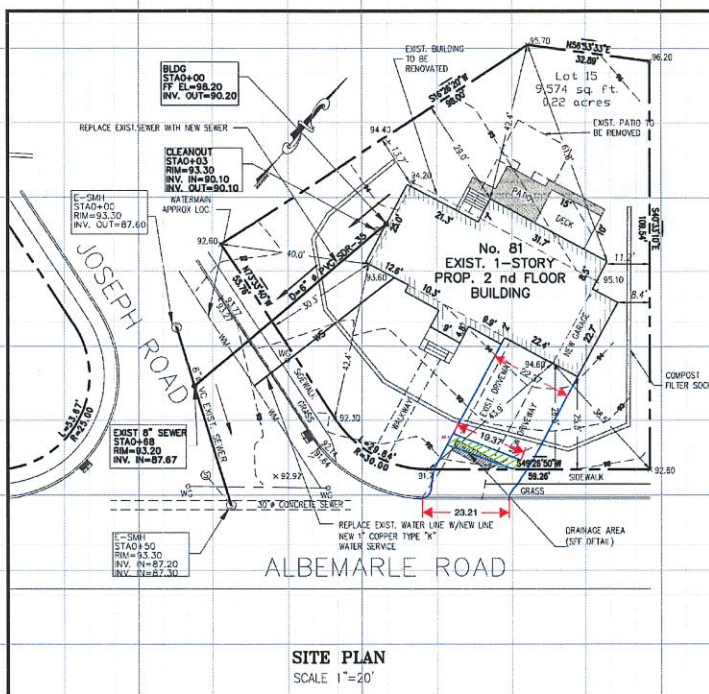
CHAIN LINK CONSTRUCT

NEW CONC INSTALLED OF THE PR

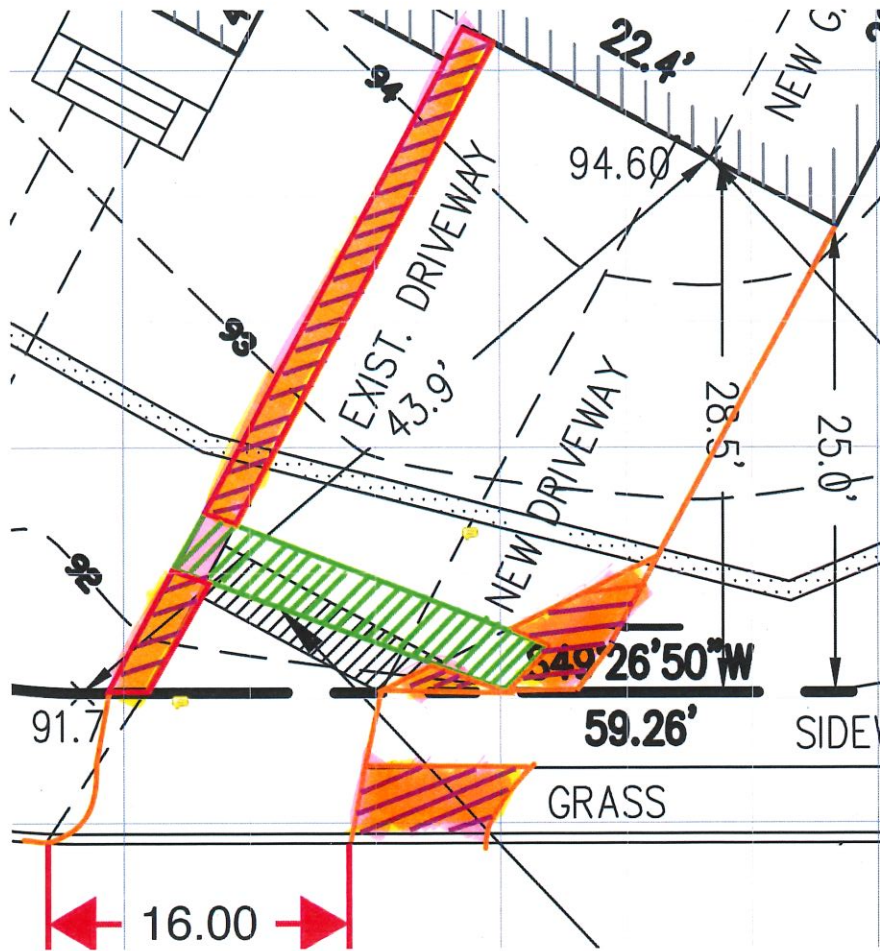
81 Albemarle Rd



Present Driveway



Proposed Changes

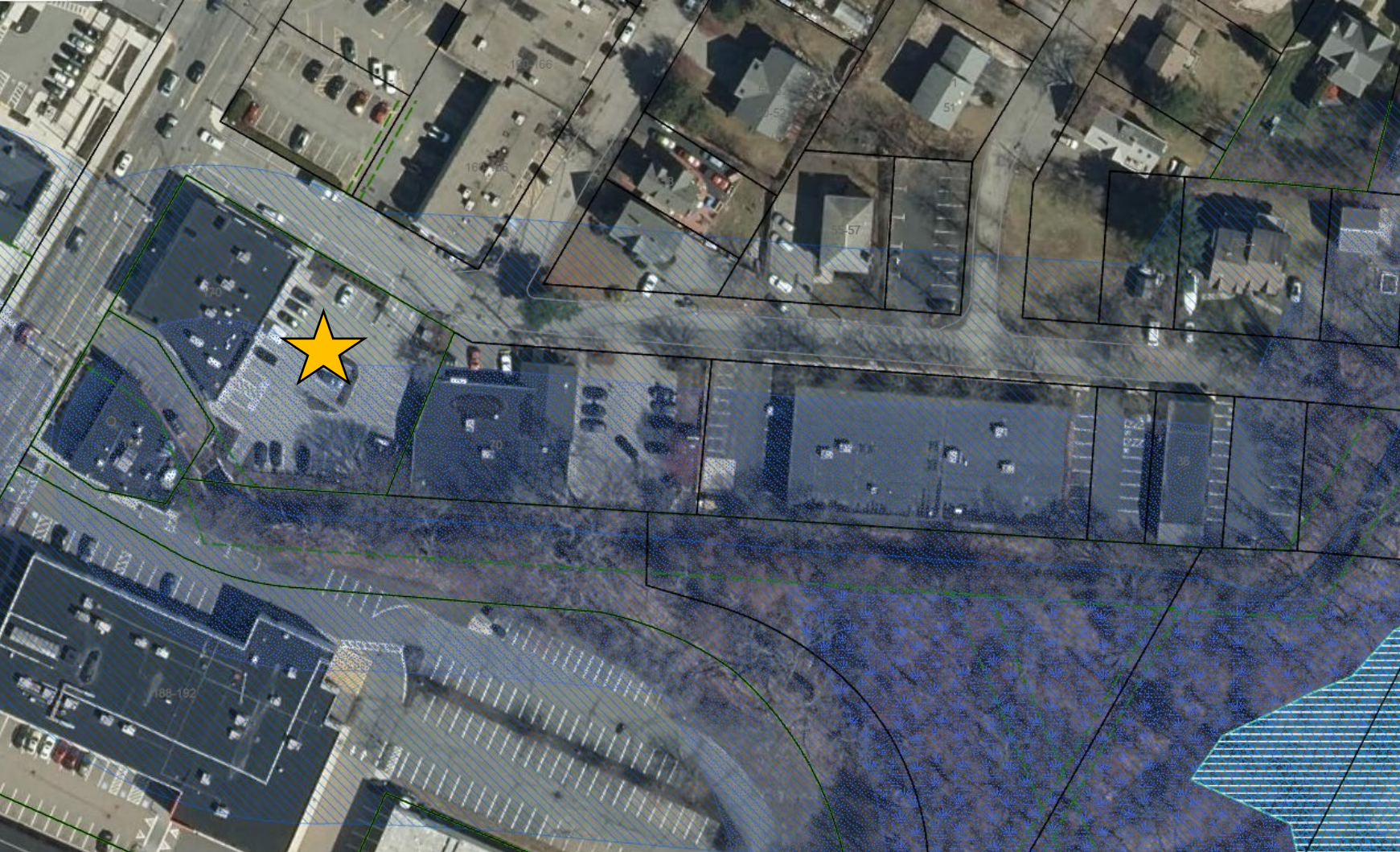


Proposal

- Remove asphalt on the left side
- Remove asphalt around the pavers
- Remove the asphalt on the frontage
- Install Grass where asphalt is removed

Driveway	Original Proposal	Present (Excess)	New Proposed
Width	20' 4"	22' 4"	20' 4"
Entry	16'	23'	16'

180-190 Needham St



EcoTec, Inc.
ENVIRONMENTAL CONSULTING SERVICES
102 Grove Street
Worcester, MA 01605-2629
508-752-9666 – Fax: 508-752-9494

By Email Only

March 13, 2023

Mr. Kerry McCormack, P.E.
Crosspoint Associates, Inc.
300 Third Avenue, Suite 2
Waltham, MA 02451

RE: Plan of Action: Response to February 10, 2023 Enforcement Order for 180 Needham Street, Newton, Massachusetts
DEP File No.: 239-730

Dear Mr. McCormack:

At your request, John P. Rockwood, Ph.D., SPWS has reviewed the Enforcement Order and has conducted a site visit regarding the status of the mitigation area and the rain garden at the above-referenced property. EcoTec had previously provided oversight and supervision for invasive species removal efforts, mitigation plantings, and the rain garden between 2016 and 2019. Prior status reports for this work were prepared on October 17, 2017 and September 12, 2019.

The purpose of the current letter is to provide a Plan of Action to bring the site into compliance to allow the Newton Conservation Commission to issue a Certificate of Compliance for the apparently expired Order under DEP File No.: 239-0730. Work under DEP File No.: 239-0841 has not commenced. Per the Enforcement Order, this latter Order is set to expire on March 10, 2024; this expiration date should be confirmed and a Request for an Extension Permit submitted in a timely manner.

The requested As-Built Plan for the site that shows the subsurface infiltration system was installed per the approved plan and the documentation of the maintenance schedule for pavement sweeping and catch basin cleaning will be submitted under a separate cover. It is understood that the paved areas of the site must be swept four times per year and the catch basins must be inspected and cleaned four times per year.

The items covered in this letter are: (1) invasive species removal/treatment and monitoring for three years including Japanese knotweed along the stream and woody invasives in the mitigation area; (2) supplemental planting of native woody plants in the mitigation area and monitoring for three years; and (3) restoration of the rain garden to restore functionality.

Invasive Species Removal/Treatment: The invasive species were treated using an injection method for Japanese knotweed along the stream and a cut and blot method for woody species within the mitigation area. These areas were treated in 2016, 2017, and 2018, resulting in a reduction of the problem invasive species in these areas compared to adjacent untreated areas. That said, while still reduced compared to surrounding areas, the woody invasive species have rebounded in the area. Foliar application of herbicide is not proposed under this plan. The proposed removal/treatment plan for the invasives species is as follows:

- **July 2023, 2024, and 2025:** Japanese Knotweed located along South Meadow Brook proximate to the mitigation area will be cut and the stems treated by injection with concentrated herbicide by a licensed applicator. Stems that are too small to be injected will be wiped with the herbicide by the licensed applicator.
- **September 2023, 2024, and 2025:** The woody invasives within the mitigation area will be cut and the cut stems blotted with a concentrated herbicide by a licensed applicator. Stems that are too small to be cut and blotted may be wiped with the herbicide by the licensed applicator. The cut materials will be removed from the area and disposed off-site.

Observations of the removal/treatment areas in the fall of 2023, 2024, and 2025 will be made and included in the annual monitoring letter to be sent to the Commission as detailed below.

Woody Plantings and Plant Survival: The mitigation area was originally planted in Spring 2017. During the July 2019 inspection, all twelve of the planted maple saplings were observed to be alive. During the July 2019 inspection, 46 surviving shrubs were counted in this area. A total of 86 were initially planted and 65 were required to survive until Spring 2019 to meet the threshold. That said, the area did not meet the required survival threshold at the end of the required monitoring period. As such, it is recommended that fifty (50) additional native woody shrubs be established in the area and be monitored for a three-growing-season period. These plantings will be established before June 15, 2023, marked with flagging to allow for monitoring, and will be watered when planted, twice weekly for four weeks after planting, and periodically through the summer and fall, as necessary. Any substitutions must be approved of in advance by Conservation Staff.

1. 7 3' Eastern White Pine (*Pinus strobus*);
2. 8 3' Northern Red Oak (*Quercus rubra*);
3. 8 3' Alternate-leaved Dogwood (*Cornus alternifolia*);
4. 7 3' Eastern Red Cedar (*Juniperus virginiana*);
5. 7 3' Black Chokeberry (*Photinia melanocarpa*);
6. 8 3' Bayberry (*Morella pensylvanica*); and
7. 5 3' Northern Spicebush (*Lindera benzoin*).

Rain Garden: One 400± square foot rain garden was constructed at the parking lot edge at 180 Needham Street. This area was designed to allow pavement runoff to enter the area at grade and allow for overflow to be discharged via a catch basin/water quality device to the underground stormwater infiltration system. This area was originally constructed per specifications. This rain garden has been problematic since it was established. The water running down the curb from the west overwhelms the area affecting the structural rain garden by washing out the pea stone and mulch, depositing sediment, and adversely affecting the vegetation. The flat catch basin grate, which has been blocked by wood chips following significant rain events, should be replaced with a bee-hive catch basin grate to allow water to flow into the catch basin/water quality device but keep the wood chips out of the catch basin/water quality device.

As detailed on the attached Rain Garden Schematic, EcoTec recommends that the existing small rip-rap and remaining pea stone along the pavement edge be removed, the sediment that has accumulated in the rain garden be removed to the original soil surface, the soil surface be scarified by hand, and that a 2' wide, 2' deep trench be excavated along the pavement edges of the rain garden. The trench should then be partially backfilled with 1" crushed stone and a row of granite cobbles should be installed along the pavement edge with the top of the cobbles extending about ½ inch above the top of the pavement; after the cobbles are in place, the balance of the trench should be backfilled with the same crushed stone. The pavement edge should be cut or patched as necessary outside of the cobbles to prevent additional undercutting of the pavement or cobbles. An expanded area of 6" rip-rap should be installed within the cobble edge at the Needham Street end of the rain garden with this rip-rap extending about 6 to 8 feet down the proposed cobbles along the pavement edge. This will help stabilize the edge of the area and help limit damage to the rain garden associated with runoff from the pavement. The large grass specimen which has done well in the area should be split into six pieces and be replanted in the area. The dead/stressed plants should be removed. The oak sapling remains viable; it should not be removed, and care should be taken to avoid damage to this sapling during the proposed restoration activities. Recommendations for replacement plantings, which will be planted under the supervision of the wetland scientist, are as follows:

1. 2 4-5' robust Sweet Pepper-bush (*Clethra alnifolia*);
2. 2 4-5' robust Silky Dogwood (*Cornus amomum*);
3. 4 1-quart Golden Alexanders (*Zizia aurea*), Smooth Aster (*Symphyotrichum (Aster) laeve*), or Columbine (*Aquilegia canadense*); two species must be represented; and
4. 6 Split existing grass into six sections and replant.

Any substitutions must be approved of in advance by Conservation Staff. After planting, the area should then be mulched with a layer of partially rotten (one- or two-year old) pine mulch and sprayed with tackifier. It must be noted that the rain garden is part of the site's stormwater management system and is subject to inspection, maintenance, and upkeep under the Operations and Maintenance Plan.

Mr. Kerry McCormack, P.E.
March 13, 2023
Page 4.

The plantings made under this plan in the mitigation area and rain garden will be monitored in the fall of 2023, 2024, and 2025 for survival. The required survival threshold for the proposed plantings is 75%. A report will be provided to the Commission following the fall 2023, 2024, and 2025 inspections that addresses the rain garden, mitigation area woody plantings, and the invasive species removal/treatment detailed in this plan; a Request for a complete Certificate of Compliance will be requested once monitoring is successfully completed.

EcoTec hopes that you find this information useful. If you have any questions, please feel free to contact me at any time.

Cordially,
ECOTEC, INC.

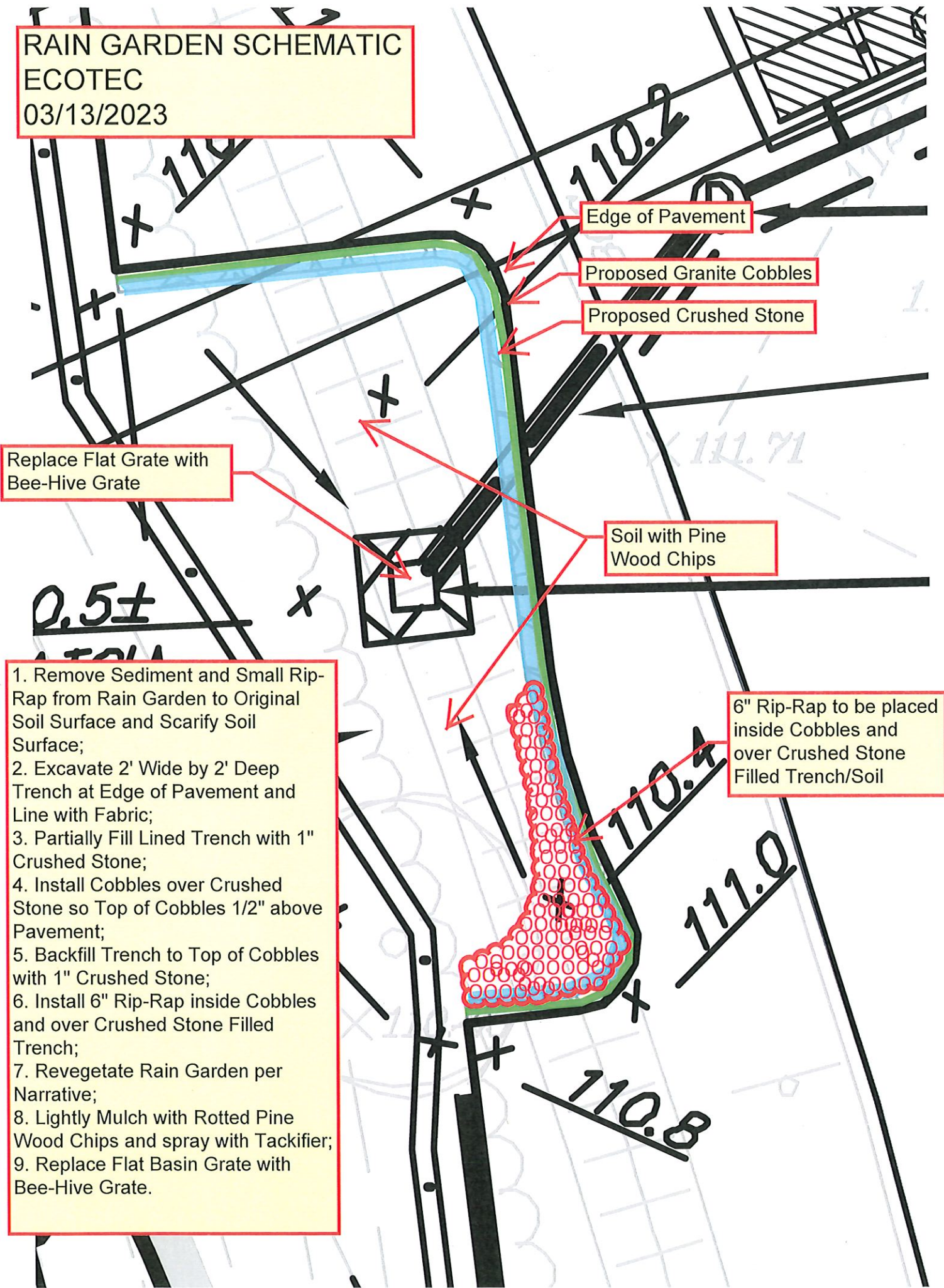


John P. Rockwood, Ph.D., SPWS
Principal Environmental Scientist

Attachment (1: Rain Garden Schematic)

18/NEWTON180NEEDHAM PLAN OF ACTION 03.13.2023

RAIN GARDEN SCHEMATIC
ECOTEC
03/13/2023



Edge of Pavement

Proposed Granite Cobbles

Proposed Crushed Stone

Replace Flat Grate with Bee-Hive Grate

Soil with Pine Wood Chips

1. Remove Sediment and Small Rip-Rap from Rain Garden to Original Soil Surface and Scarify Soil Surface;
2. Excavate 2' Wide by 2' Deep Trench at Edge of Pavement and Line with Fabric;
3. Partially Fill Lined Trench with 1" Crushed Stone;
4. Install Cobbles over Crushed Stone so Top of Cobbles 1/2" above Pavement;
5. Backfill Trench to Top of Cobbles with 1" Crushed Stone;
6. Install 6" Rip-Rap inside Cobbles and over Crushed Stone Filled Trench;
7. Revegetate Rain Garden per Narrative;
8. Lightly Mulch with Rotted Pine Wood Chips and spray with Tackifier;
9. Replace Flat Basin Grate with Bee-Hive Grate.

6" Rip-Rap to be placed inside Cobbles and over Crushed Stone Filled Trench/Soil

**Conservation Commissioners as of March 16, 2023
(End dates to be confirmed by the Mayor's Office)**

Last Name	First Name	Mem? Alt?	Role	Term	Start date	End date
Cade	Kathryn (Kathy)	Alternate		1	14-Aug-17	31-Jul-20
Cade	Kathryn (Kathy)	Member		1.5	6-Mar-19	31-May-20
Cade	Kathryn (Kathy)	Member		2	8-Sep-20	31-Jul-23
Gilligan	Leigh	Alt > Mem		1	17-Jun-19	31-Jul-22
Gilligan	Leigh	Member		1.5	18-Nov-19	1-Nov-22
Gilligan	Leigh	Member		2	3-Oct-22	1-Nov-25
Green	Daniel (Dan)	Member		1	17-Dec-07	30-Apr-09
Green	Daniel (Dan)	Member		2	15-Jun-09	30-Apr-12
Green	Daniel (Dan)	Member		3	??	??
Green	Daniel (Dan)	Member		4	??	??
Green	Daniel (Dan)	Member		5	10-Jul-17	2-Jan-19
Green	Daniel (Dan)	Member	Chair	6	23-Jan-19	1-Jan-22
Green	Daniel (Dan)	Member	Chair	7	21-Mar-22	1-Jan-25
Hepburn	Judith	Member		1	19-May-08	30-Apr-11
Hepburn	Judith	Member		2	??	??
Hepburn	Judith	Member		3	??	??
Hepburn	Judith	Member		4	10-Jul-17	31-May-20
Hepburn	Judith	Member		5	8-Sep-20	31-May-22
Hepburn	Judith	Member		6	11-Jul-22	31-May-24
Katz	Ellen	??		1	10-Jul-17	31-May-20
Katz	Ellen	Member		2	8-Sep-20	31-May-22
Katz	Ellen	Member		3	11-Jul-22	31-May-25
Lunin	Susan	Member		1	1-May-01	30-Apr-04
Lunin	Susan	Member		2	1-May-04	30-Apr-07
Lunin	Susan	Member		3	1-May-07	30-Apr-10
Lunin	Susan	Member	Vice Chair	4	10-Jul-17	31-May-20
Lunin	Susan	Member	Vice Chair	5	8-Sep-20	31-May-23
Lunin	Susan	Member	Vice Chair	6	31-May-23	31-May-26
McKnight	Sonya	Alt		1	20-Dec-21	4-Oct-24
Zabel	Jeffrey	Alternate		1	15-Sep-14	31-May-17
Zabel	Jeffrey	Member		1.5	10-Jul-17	31-May-20
Zabel	Jeffrey	Member		2	8-Sep-20	31-May-23
Zabel	Jeffrey	Member		2	31-May-23	31-May-26

CONSERVATION COMMISSION MINUTES

Date: Thursday, March 2, 2023

Time: 7:00pm

Place: This meeting will be 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, Ellen Katz

Members Absent: Leigh Gilligan, Sonya McKnight (Associate Member)

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 – 370 Quinobequin Rd – NOI – First and second floor additions and new deck – DEP #239-948

- Owner/Applicant. Seth Kosto
- Representatives. Mitch Maslanka, Goddard Consulting; Bruce Bradford from Everett M Brooks (not present)
- Proposed Project Summary.
 - First floor addition over existing rear deck
 - Second floor addition over existing house
 - New deck off rear of house
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. BLSF, Buffer Zone, BVW (no work planned), RFA (no work planned)
- Presentation (Staff) and Discussion.
 - Staff showed highlighted site plans and site photos and summarized the proposed work.
 - Staff noted several problems that must be addressed before the project can be properly assessed.
 - The rear lawn (and hockey rink) extend off-site into a Conservation Restriction. The yard and amenities should be removed and restored with native trees and shrubs. The representative noted that the lawn was in existence when the owner purchased the property in 2012. They offered to remove the rink and allow natural revegetation of the encroaching lawn area.
 - The wetland was flagged along the “shrub” line, but likely comes well into the yard. A site visit must be arranged with Staff to look at the soils in the back yard.
 - The BLSF elevation (according to the FEMA flood profile) is 65.5’ NAVD88 which is well beyond the rear of the property and encompasses the whole property. The datum and elevations should be confirmed/corrected and cuts and fills considered in a revised application. The application should clarify the nature of the proposed first floor addition and provide basement or slab information so that issues associated with fill in floodplain and likely high groundwater can be considered and addressed.
 - The application states that the addition will only add 89 sf of impervious area because of building over the existing deck. This imperviousness or perviousness of the existing deck should be verified/clarified.
 - The application states that all reasonable efforts have been made to avoid adverse impacts to the Buffer Zone, but if the proposed deck were relocated, a 37” oak could be saved.
- Vote to continue the hearing to April 11 to allow the applicant to: meet on site with staff to determine the edge of wetland, develop a restoration plan, revise grading information, and address cuts and fills if necessary. [Motion: Katz, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]

2. 7:30 – 50 Grace Rd – NOI – teardown/rebuild SFH – DEP #239-949

- Owner. Armand Petruzzello of 50 Grace Rd Investments LLC (not present)



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

- Applicant. Wendell Phillips of Phillips Luxury Homes
- Representatives. Edmond Spruhan, Engineer (not present)
- Proposed Project Summary.
 - Demolish existing single-family home and all site improvements
 - Construct new single-family home and driveway in the same location
 - Remove trees within RFA
 - Create mitigation planting area
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Riverfront Area
- Presentation (Staff) and Discussion.
 - Staff showed highlighted site plans and site photos and summarized the site conditions and proposed work.
 - There is an existing OOC for a similar teardown/rebuild (DEP file #239-772) issued on 12/23/2016 and was due to expire on 12/22/2019. The permit was extended 3 years to 12/22/2022. The permit got the 462-day “COVID bump” and so is now due to expire on 3/28/24. The permit was never recorded, so is not valid. Therefore, the tree removal conducted on the site (see below) is in violation of the Act.
 - Staff noted a few concerns.
 - No demolition or construction has been undertaken, but there has been tree removal (the row of hemlocks, a pine tree, and a deciduous tree) since the OOC was issued that must be taken into account in describing/understanding “existing” conditions and in determining appropriate “mitigation”.
 - Saw Mill Brook was flagged in 2016. Staff would like to review fresh/current wetland flags.
 - The plans indicate that most of the “property line” trees are due to remain, but many are within the limit of work line. The limit of work line should be moved and proper tree protection included on the plans, or more realistic tree loss should be anticipated and compensated for in the plans.
 - Plans call for staked straw wattles. For a complete teardown/rebuild, more robust erosion controls are warranted.
 - The plans show grading changes across the entire site. It seems as if the limit of grading could be kept much closer to the proposed house and so help protect existing trees.
 - Impervious area is stated to increase by 454 sf. Mitigation for such an increase is required at a ratio of at least 2:1, so 908 or more sf of mitigation is required (and more may be required by the Commission). The mitigation area shown on the plans is surrounded by mature trees and cannot fit the proposed 10 new trees. The mitigation area should be enlarged, and a thoughtful mitigation planting plan with carefully selected native trees, native shrubs, and native vegetation should be created.
 - The “old” OOC will need to be closed with a COC at some point, but Commissioners opted to leave the existing Order of Conditions in place so that enforcement for the tree removal could be pursued if necessary.
- Vote to continue the hearing to March 23 to allow the applicant to develop revised plans (due March 13th): meet on site with staff to determine the edge of wetland, develop a restoration plan, revise grading information, and address cuts and fills if necessary. [Motion: Katz, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]

3. 8:00 – 50 Grace Rd – COC – SFH tear down/rebuild – DEP #239-772

- Owner/Applicant. Wendell Phillips, 50 Grace Rd Investments LLC
- Representatives. none
- Request. Commission should discuss the appropriate timing of the issuance of a COC.
- Documents in packets. none
- Additional documents presented at meeting. Site photos
- Consensus. The “old” OOC will need to be closed with a COC at some point, but Commissioners opted to leave the existing Order of Conditions in place so that enforcement for the tree removal could be pursued if necessary.

4. 8:10 – 31 Greenwood St – COC-resign – Restoration of historic barn into SFH – DEP #239-859

- Owner/Applicant. Anne Greer
- Representatives. none
- Request. Re-issue COC, since original was lost.
- Documents in packets. none
- Additional documents presented at meeting. None

- Staff Presentation. The COC was signed on 12/20/22 and mailed on 12/21/22 to the requester, but the mailing address given is no longer operable.
- Vote to resign the complete COC. [Motion: Green, Second: Lunin, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]

5. 8:15 – 0 Suffolk – COC – Hydroraking of Houghton Pond, trail enhancements – DEP #239-868

- Owner/Applicant. Newton Conservation Commission
- Representatives. staff
- Request. Issue COC.
- Documents in packets. none
- Additional documents presented at meeting. None.
- Staff Presentation.
 - Hydroraking was a success.
 - The improved trail is holding up well.
 - Use of the spoils worked out beautifully, revegetating the “corner” of Houghton Garden and the swimming pool in the Old Deer Park. Dan Green agreed.
- Vote to issue a complete COC. [Motion: Lunin, Second: Katz, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]

6. 8:20 – 62 Olde Field – COC – Addition – DEP #239-385

- Owner/Applicant. Deborah and Jonathan Kay
- Representatives. none
- Request. Issue COC.
- Documents in packets. none
- Additional documents presented at meeting. None.
- Staff Presentation.
 - An as-built plan and a letter from an engineer have been provided.
 - The letter points out several differences between the approved plan (from 1999) and the as-built plan, but all were outside (above) the flood plain, so not relevant.
- Vote to issue a complete COC. [Motion: Lunin, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]

7. 8:25 – 125 Wells – COC – parking expansion/work never initiated – DEP #239-863

- Owner/Applicant. Solomon Schechter School
- Representatives. Robert Finkel, Atty
- Request. Issue COC.
- Documents in packets. none
- Additional documents presented at meeting. none
- Staff Presentation. A site visit on 2/16/2023 confirmed that work was never initiated.
- Commission Discussion. Dan Green noted that large amounts of crumb rubber had been transported from the artificial turf field to areas (and trails) adjacent to the field (southern goal line and eastern sideline) and should be collected/cleaned up. Staff will send a letter to the owners requesting that.
- Vote to issue a COC for work never initiated. [Motion: Lunin, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]

B. CONSERVATION AREA DECISIONS

C. ADMINISTRATIVE DECISIONS

8. 8:30 -- Minutes to be approved

- Documents in packets. Draft 2/9/2023 minutes as edited by Dan Green.
- Vote to approve the 2/9/2023 minutes as edited by Dan Green. [Motion: Green, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]
- Volunteer. Jeff Zabel volunteered to review the 3/2/23 minutes.

D. ISSUES AROUND TOWN DECISIONS

9. 8:35 -- Tree Ordinance

- Issue. The City Tree Warden and Mayor’s Office are in discussion with City Council on possible revisions to the City’s Tree Ordinance. Commissioners are interested in creating as much consistency as possible.
- Documents in packets. Staff created a summary of the current version of the City Tree Ordinance for comparison with the Conservation Commission’s Tree Replacement Guidance.
- Additional documents presented at meeting. Comparison table.
- Discussion
 - Staff noted that the while the goals of the City and the Commission are similar (saving trees), the Commission’s authority is from the Wetlands Protection Act and so doesn’t exempt 1-4-unit residential properties as the City’s ordinance does.
 - Susan Lunin noted the occasional conflict between trees and solar canopies.
 - Ellen Katz noted that discussion of changes to the City Ordinance has prompted proactive tree cutting.
 - Kathy Cade noted the value of maximal consistency to limit confusion on the part of residents/applicants.
 - The City (Mayor and Marc Welch) has presented one version. City Councilors have presented another version. They are being discussed in Programs and Services and there will be a public hearing soon. It was noted that City Councilors Emily Norton and Julia Malakie would be happy to present to the Commission their Tree Ordinance proposal.

10.9:10 – Watertown Dam project letter

- Owner. DCR
- Representatives. Robert Kearns and Emily Norton, CRWA
- Request. CRWA is trying to garner support for the removal of the Watertown Dam. CRWA has asked the Commission to consider writing a letter of support.
- Documents in packets. Answers to the questions the Commission posed at the last meeting.
- Additional documents presented at meeting. none
- Presentation (Staff) and Discussion (Robert Kearns and Emily Norton).
 - This issue is not coming before the Commission as an application to be judged regarding the performance standards of the Wetlands Protection Act. It is coming before the Commission in their role as advocates “for the protection of watershed resources”. “Such commission shall conduct researches into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.” (MGL Chapter 40 Section 8C).
 - Staff feel it is an excellent case to engage with, given its potential for large-scale renaturalization of the largest wetland resource in Newton and its potential to improve water quality, flood control, native vegetation and wildlife habitat, etc.
 - Staff feel it could be beneficial to be involved early to understand the whole discussion prior to permitting obligations.
 - Staff doesn’t feel that engaging now, and even writing a letter of support, would preclude the Commission’s objective consideration if/when a wetland permit application is submitted. The dam is entirely within Watertown, so removal would occur in Watertown, but the effects of removal would impact Newton. Should a request to remove come to pass, the Commission would need to permit the anticipated alterations to Land Under Water, Bank, RFA, BLSF, BVW, and BZ.
 - The removal of contaminated sediments was discussed and clarified.
 - CRWA staff noted that Watertown’s and Waltham’s conservation commissions had issued letters of support for dam removal.
 - CRWA staff noted that when the Bemis Dam was washed out, the Newton Conservation Commission wrote that it should not be rebuilt because of fish habitat.
 - CRWA staff assured commissioners that the Moody Street Dam would not be removed, since it provides flood control.
 - Judy Hepburn noted that as a birder she was concerned about the effects of dam removal on birds, but was impressed by the answers that CRWA had provided to the Commission’s questions.
 - Kathy Cade (and Dan Green, in agreement) noted discomfort advocating for a project that the Commission will be asked to permit later. She noted that even a letter supporting further study would be perceived as support for removal.
 - Jeff Zabel asked to receive the reasons of those opposed to dam removal.
 - Susan Lunin noted general support for removal of unnecessary dams and the reestablishment of natural flows.
 - Ellen Katz opted to abstain from commenting.
 - Emily Norton noted that a letter that didn’t support actual removal would not be helpful at this stage but reiterated that further study would be pursued.

UPDATES

E. WETLANDS UPDATES

- EO follow-ups

- 34 Hyde Ave. has cleared the stream channel,
- 65 Harwich has a restoration plan,
- 158 Otis has a restoration plan, and
- J Steel had a conversation with DCR about Parkway Road and the Newton Yacht Club and should have received information but hasn't yet.
- Eos -- next round
 - 24 Glen – remove big bridge
 - 255-257 Newtonville Ave – plant trees and shrubs

F. CONSERVATION AREA UPDATES

- Essex Horticulture special projects
 - Webster: Elgin Road access grading and drainage – awaiting design and estimate
 - Norumbega: post and wire fences to protect slope – awaiting design and estimate
 - Saw Mill Brook: Vine Street parking lot fence (and plantings) – awaiting design and estimate
 - Norumbega: dense-grade the main loop – awaiting estimate
 - Oakdale Woods: plant to reclaim encroachment – ready to go in spring
 - Old Deer Park: fence panel removal for access to the Ira Wallach trail – ready to go in spring
- Big capital projects
 - Old Deer Park: fence removal (after Hammond Pond Parkway is done)
- Trailhead signs and parcel maps
 - Maps are nearing completion with improvements re accessibility thanks to coordination with the OSRP Trails Subcommittee.
- Accessibility improvements
 - Norumbega: dense-grade the main loop
 - Upper Falls Riverwalk: dense-grade the Saco Street entrance?
- Kessler Woods Trail
 - Staff are in talks with Chestnut Hill Realty to secure a public access easement to Lagrange Street
 - Staff must release new RFQ for the boardwalk and bridge portion of the trail connecting to Harwich Road

G. ADMINISTRATIVE UPDATES – Intern

- Spring High School Intern – Possibly establishing a program to take certain populations (elderly, grieving, disabled, veterans, EJ communities, at risk youth, etc.) into Conservation parcels for healing.

H. ISSUES AROUND TOWN UPDATES

- Flood Ordinance – Staff sent a draft to the state and are awaiting comments in response.
- Complete Streets – Staff are working with the new Transportation Planner to have issues of stormwater and trees/shrubs feature more prominently in the Complete Streets working group discussions (that focus on car, bicycle, and pedestrian safety).
- Stream name signs – Staff have asked the City's COO to look into possible source of funding for this (pilot) project.
- The Christina Street Bridge Project – is moving along with a congressional earmark and commitments from Northland.

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

- Beehives in the Classroom. Ellen Katz noted that she had attended an inspiring presentation about the use of hives in the classroom and felt good about supporting Mark Lewis's beekeeping and educational efforts (at the Old Deer Park).
- Jeff Zabel noted that his appointment was due to expire, but that he would "re-up" if others were in support. Others offered their support.
- Jennifer Steel noted that Kathy Cade's term was due to expire at the end of July. She will consider "re-upping".

ADJOURN Vote to adjourn at 10:15. [Motion: Lunin, Second: Katz, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 6:0:0.]