

# CONSERVATION COMMISSION AGENDA

Date: Tuesday, April 11, 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](mailto: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

- (7:00) 70 Kingswood Rd – NOI – Additions and associated landscape improvements to a single-family home – DEP #239-???**
  - Owner/Applicant. Larry Smith
  - Representatives. Goddard Consulting, Zoe Krouner
- (7:30) 250 Albemarle Rd – informal discussion -- Gath Pool and park area redevelopment**
  - Owner/Applicant. City of Newton Parks, Recreation & Culture Department
  - Representatives. Luis Perez Demorizi, Director of Parks & Open Space
- (8:00) 249 Winchester St – NOI continued – installation of a fence in floodplain – DEP #239-950**
  - Owner/Applicant. Alexander Murphy, Jr.
  - Representatives. None
- (8:15) 370 Quinobequin Rd – Continuation to 5/4/23 sought – 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
- (8:15) 178 Quinobequin Rd – Informal discussion – request to remove large oak in Riverfront Area**
  - Owner/Applicant. David Price
- (8:30) Dunstan East – OOC extension – 3 mixed-use building 40 B development -- DEP #239-867**
  - Owner/Applicant. Robert Korff, Mark Development
  - Representatives. Megan Rothwell and Steve Buchbinder, attorney
- (8:35) 56 Roosevelt – COC request – sunroom addition -- DEP #239-915**
  - Owner/Applicant. Jordan Schwartz
- (8:40) Guidance: Clarifying Minimum Standards for "mitigation"**
  - Request. Staff would like the Commission to develop guidance that clarifies minimum standards for acceptable "mitigation" in Riverfront Area projects to ensure that we are meeting the regulations and optimizing ecological protection.
- (9:10) Minutes to be approved**

## UPDATES

- (9:15) WETLANDS UPDATES**
- (9:20) CONSERVATION AREA UPDATES**
- (9:30) ADMINISTRATIVE UPDATES**
- (9:35) ISSUES AROUND TOWN UPDATES**

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



**Mayor**  
Ruthanne Fuller

**Director  
Planning &  
Development**  
Barney Heath

**Chief  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
Environmental  
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Ellen Menounos

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

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## DECISIONS

### A. WETLANDS DECISIONS

#### 1. (7:00) 70 Kingswood Rd – NOI – Additions and associated landscape improvements to a single-family home – **DEP #239-???**

- Owner/Applicant. Larry Smith
- Representatives. Goddard Consulting, Zoe Krouner
- Proposed Project Summary. Remove the garage and build 2 story addition; build 1 story addition where a patio currently exists; replace the rear deck; add a front porch; replace the 1-car driveway with a 2-car driveway of "California paver strips". Most work will be in the inner riparian zone.
- Request. Issue an OOC
- Documents in packets. Highlighted site plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, Bordering Land Subject to Flooding (outside the work zone), Buffer Zone to Bank
- 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) At a minimum, work shall 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) despite what it says in 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
  - (g) despite what it says in 10.58(5)(c), (d), or (e), 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.
  - The house is small and the footprints of the proposed additions are modest, but there will be significant excavation.
  - Staff are concerned that excavation for the driveway will threaten the large mature oak just off the property to the north and that excavation for the basement of the 2-story addition will threaten the mature pines behind the house.
  - The project must “result in an improvement”. Staff are not convinced that that performance standard has been met.
  - There is no opportunity for “restoration” on the lot and very limited space on the lot for “mitigation”. The applicant’s proposed mitigation (currently two bounded planting beds totaling 414 sf, exactly 2:1 ) must ultimately result in “no significant adverse impact”. The two rectangular bounded planting beds do not fit the existing landscape, topography, or future utility of the site.
  - Can the trees be protected? If they can’t be adequately protected, what mitigation would be appropriate given the tight lot? Can the driveway be redesigned? Moved? Should the basement (or its depth) be reconsidered?
- Staff Recommendation.
  - Discuss concerns and possible plan modifications.

## 2. (7:30) 250 Albemarle Rd – informal discussion -- Gath Pool and park area redevelopment

- Owner/Applicant. City of Newton Parks, Recreation & Culture Department
- Representatives. Luis Perez Demorizi, Director of Parks & Open Space
- Project Summary. New pool complex and associated access reconfiguration.
- Request. The goal is to discuss a couple of site plans as they pertain to the Wetlands Protection Act’s Riverfront Area and Flood Zone regulations, so the Commission can give initial input to plans ahead the applicants filing to be heard at the May 4th public hearing. Parks and Rec is “against the clock”, trying to have approved, recorded plans to include in the bid specs released in May.
- Documents in packets. None
- Additional documents presented at meeting. Applicant’s presentation
- Jurisdiction. RFA, BLSF, Buffer Zone
- Staff Notes. This is just an informal session for the Commission to listen and possibly provide preliminary thoughts.
- Staff Recommendation. Listen to the presentation.

## 3. (8:00) 249 Winchester St – NOI continued – 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; ex-post-facto mitigation for unpermitted clearing
- 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.
  - No new plans have been received from the applicant. Staff await a planting plan and flood zone cut and fill calculations.
  - Plans were presented to the applicant showing the "creation" of a 15-16' wide lawn (really, allowing to remain the unpermitted lawn created by the prior owners), demarcated with 9 shrubs from the area to be renaturalized.
  - The "side" fences should stop at the edge of lawn (and not continue into the wooded wetland/buffer zone).
  - The "side" fence segments run perpendicular to the site contours and so would not impede the flow of flood waters.
  - 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 4-6" to provide passage for wildlife.
  - The intended design of the fence is not clear, but the fence must be "open" enough to "not restrict flows".
- Staff Recommendation.
  - Await plans from the applicant. Discuss and determine whether to vote to close the hearing and issue an OOC.

#### 4. (8:15) 370 Quinobequin Rd – NOI continued – 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
- 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.~~ Continue to May 4<sup>th</sup>.
- 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)
- 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. ....
  - Buffer Zone 10.53(1):** General Provisions: "... the Issuing Authority shall impose conditions to protect the interests of the Act for adjacent Resource Area..." "... ensure that adjacent wetland resource areas are not adversely affected during or after completion ..."
- Staff Notes.
  - No new plans have been received from the applicant. Staff await a planting plan and flood zone cut and fill calculations.
  - Staff met on site with the applicant's representative to
    1. Review and revise the original wetland line that was flagged along the "shrub/lawn" line. Together they determined the location of the extent of hydric soils on the site. That field determination was to be transferred on to revised plans.
    2. Discuss restoration plantings in the rear yard that extends off-site into a Conservation Restriction. The hockey rink has been removed, and "jumpstarting" a shrub/sapling layer with a smattering of native understory trees and shrubs was discussed.
  - Staff reviewed the FEMA flood profiles and determined that the 100-year flood elevation on the site is 65.5 NAVD 88. The house is, indeed, on an "island" of high ground, but the floodplain of the Charles River comes up the back yard towards the house a little further than shown on the original plans.
  - Questions that remain from the last hearing.
    - 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.

- Staff Recommendation.
  - Await plan modifications that address the questions and concerns noted above.

**5. (8:15) 178 Quinobequin Rd – Informal Discussion – Permit requirements for removal of large oak tree in RFA**

- Owner/Applicant. David Price
- Representatives. none
- Proposed Project Summary. Remove large (~48”) oak from near the house
- Request. Determine whether this requires an RDA or NOI
- Documents in packets. None
- Additional documents presented at meeting. Locus map, highlighted plans. Site photos.
- Jurisdiction. RFA (outer riparian zone)
- Performance Standards. No adverse impact
- Staff Notes.
  - Staff did not feel that there was an imminent threat, so did not grant Administrative Approval for removal of the tree.
  - Staff note that mitigation planting requirements are:
    - For each 1 inch of tree over 8” DBH removed, ½ caliper inch must be planted. (= 24 inches)
    - Replacement trees must be at least 1-2 caliper inches. (~12-18 trees)
    - If the tree being removed is a “legacy tree” (any live native tree greater than or equal to 21” DBH and greater than 150 years old), mitigation requirements may be modified. (reduce the requirement to ~4 trees)
  - Negative Determination options:
    - 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.
    - Negative 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:
      - 10.58(6) Notwithstanding the Provisions of 310 CMR 10.58(1) through (5), Certain Activities or Areas Are Grandfathered or Exempted from Requirements for the Riverfront Area:
        - (a) Any excavation, structure, road, clearing, driveway, landscaping, utility line, rail line, airport owned by a political subdivision, marine cargo terminal owned by a political subdivision, bridge over two miles long, septic system, or parking lot within the riverfront area in existence on August 7, 1996. Maintenance of such structures or areas is allowed (including any activity which maintains a structure, roads (limited to repairs, resurfacing, repaving, but not enlargement), clearing, landscaping, etc. in its existing condition) without the filing of a Notice of Intent for work within the riverfront area, but not when such work is within other resource areas or their buffer zones except as provided in 310 CMR 10.58(6)(b).
- Staff Recommendation.
  - Determine an appropriate mitigation planting plan, require installation this spring and 2 years of survival, require photo-documentation, allow cutting with a negative 5 Determination.

**6. (8:30) Dunstan East – OOC extension – 3 mixed-use building 40 B development -- DEP #239-867**

- Owner/Applicant. Robert Korff, Mark Development
- Representatives. Megan Rothwell and Steve Buchbinder, attorney
- Project Summary. The project was approved by the Commission on July 22 2020 and so is due to expire on July 23, 2023. The project consists of three mixed-use buildings, 3-6 stories [292 housing units (73 affordable units, 10 of which permanently set aside for households earning 50% AMI or less) and approximately 8,000 square feet of retail space], significant riverbank and riverfront area restoration and flood capacity creation.
- Request. Extend OOC 3 years to July 22, 2026 due to the scale of the project, cost-induced delays, and supply chain issues.
- Documents in packets. None
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, BLSF, Bank, Buffer Zone, LUWW
- Staff Notes. The project has been unfolding according to plan.
- Staff Recommendation. Issue a 3-year OOC extension.

**7. (8:35) 56 Roosevelt – COC request – sunroom addition -- DEP #239-915**

- Owner/Applicant. Jordan Schwartz

- Representatives. none
- Project Summary. Addition of a sunroom on piers.
- Request. Issue a complete COC.
- Documents in packets. None
- Additional documents presented at meeting. Site photos
- Jurisdiction. BLSF
- Staff Notes. All required paperwork has been received. The project was done in compliance with the approved plans.
- Staff Recommendation. Issue a complete COC.

**8. (8:40) Guidance: Clarifying Minimum Standards for “Mitigation” in Riverfront Area Redevelopment Projects**

- Request. Staff would like the Commission to develop guidance that clarifies minimum standards for acceptable “mitigation” in Riverfront Area projects to ensure that we are meeting the regulations and optimizing ecological protection.
- Staff Notes.
  - **310 CMR 10.58(5). RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation:**
    - ...the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions.
    - Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas.
    - A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds.
    - Work to redevelop previously developed riverfront areas shall conform to the following criteria:
      - (a) At a minimum, work shall result in an improvement over existing conditions of the capacity to protect the interests
      - (b) Stormwater management is provided according to standards
      - (c) Proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less
      - (d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).
      - (e) The area of proposed work shall not exceed the amount of degraded area (but the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area) except in accordance with 310 CMR 10.58(5)(f) or (g).
      - (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration on-site of degraded riverfront area, at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:
        1. removal of all debris, but retaining any trees or other mature vegetation;
        2. grading to a topography which reduces runoff and increases infiltration;
        3. coverage by topsoil at a depth consistent with natural conditions at the site; and
        4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;
      - (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes if an applicant proposes mitigation (either on-site or in the riverfront area within the same general area of the river basin) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Mitigation may include:
        1. off-site restoration of riverfront areas,
        2. CRs to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00,
        3. the purchase of development rights within the riverfront area,
        4. the restoration of bordering vegetated wetland,
        5. projects to remedy an existing adverse impact on the interests that the applicant is not legally responsible, or
        6. similar activities undertaken voluntarily which will support a “no significant adverse impact” determination

Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan
      - (h) The issuing authority shall include a continuing condition in the COC for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the COC, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.
    - Staff are concerned that:

- Applicants rarely prove “improvement”
  - 10.58(5)(a): “work shall result in an improvement over existing conditions of the capacity to protect the interests”
- Added hardscape is not always at the outer boundary, and is often near the stream/river.
  - 10.58(5)(g): “more alteration at the RFA outer boundary may be allowed if an applicant proposes if an applicant proposes mitigation ...”
- Plans often come in with the bare minimum of just 2:1 mitigation.
  - 10.58(5)(g): “at a ratio in square feet of at least 2:1”
- Converting lawn to a shrub/perennial bed probably doesn’t qualify as “mitigation”.
  - 10.58(5)(g): “Mitigation may include:
    1. off-site restoration of riverfront areas,
    2. CRs to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00,
    3. the purchase of development rights within the riverfront area,
    4. the restoration of bordering vegetated wetland,
    5. projects to remedy an existing adverse impact on the interests that the applicant is not legally responsible, or
    6. similar activities undertaken voluntarily which will support a “no significant adverse impact” determination”
- Staff Recommendation. Discuss and brainstorm components of a guidance document.

## **B. (9:10) CONSERVATION AREA DECISIONS**

## **C. (9:10) ADMINISTRATIVE DECISIONS**

### **9. (9:10) Minutes to be approved**

- Documents in packets. Draft 3/23/2023 minutes.
- Staff Recommendation. Vote to approve the 4/11/2023.
- Volunteer. Who will volunteer to review the 4/11/2023 minutes?

## **D. (9:15) ISSUES AROUND TOWN DECISIONS**

### **UPDATES**

## **E. (9:15) WETLANDS UPDATES**

- Continuing to work to close out old projects
- DCR not responding to Enforcement Orders
- We are now requiring detailed “plan change memos” – a huge improvement
- We are working with Engineering on plan specifications
- Draft Floodplain Ordinance got the thumbs up from DCR (FEMA liaison)

## **F. (9:20) CONSERVATION AREA UPDATES**

- Trailhead signs and maps for the website ... getting closer
- Encroachments
  - Kerry Court
  - Kessler (2)
  - Hahn Brook
- Eagle Scouts
  - Upper Falls Riverwalk steps
  - Norumbega entry?
  - Webster boardwalks
  - Norumbega boardwalks?
- Contracted out
  - Norumbega plantings
  - Norumbega fence
  - Oakdale plantings
  - Old Deer Park fence opening
  - Saw Mill Brook fence
  - Upper Falls Riverwalk Saco Street dense grade

- Webster Elgin Street dense grade

**G. (9:30) ADMINISTRATIVE UPDATES**

- Remote meetings have been extended through 3/31/2025.

**H. (9:35) ISSUES AROUND TOWN UPDATES**

- Community Way – community survey and meeting 4/26/23 6pm via Zoom.
- Christina Street Bridge – positive meeting with landowner and Northland. Now need to sort out MBTA's role.

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

***ADJOURN (9:45)***



70 Kingswood Rd







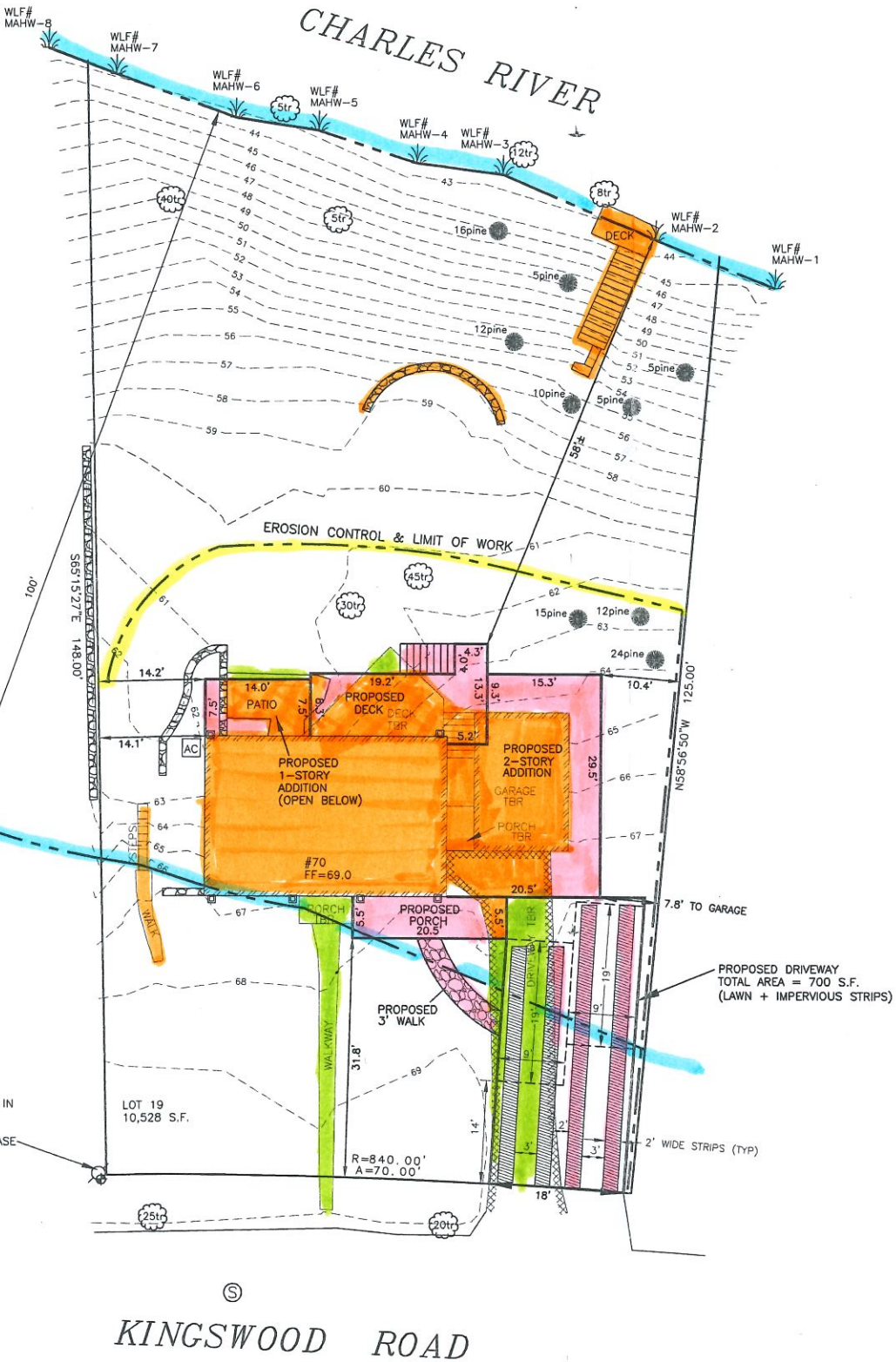




**LEGEND**

- UTILITY POLE
- WATER GATE
- HYDRANT
- GAS GATE
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN
- TREE
- TREE
- LIGHT POLE
- SIGN
- TBR TO BE REMOVED
- TBA TO BE ABANDONED
- DEEP TEST HOLE
- PERCOLATION TEST
- 71.4 X SPOT ELEVATION
- [7] PROPOSED CONTOUR
- 71- EXISTING CONTOUR
- D DRAIN LINE
- W WATER LINE
- S SEWER LINE
- G GAS LINE
- X FENCE
- STONEWALL
- HEDGE
- TREE LINE

\*WETLAND DELINEATION BY  
 GODDARD CONSULTING LLC



©  
 KINGSWOOD ROAD

PLAN OF LAND IN  
 NEWTON, MA  
 70 KINGSWOOD ROAD  
 PROPOSED ADDITIONS

SCALE: 1 IN. = 10 FT.  
 DATE: FEBRUARY 15, 2023  
 DRAWN: LNS  
 CHECK: BB

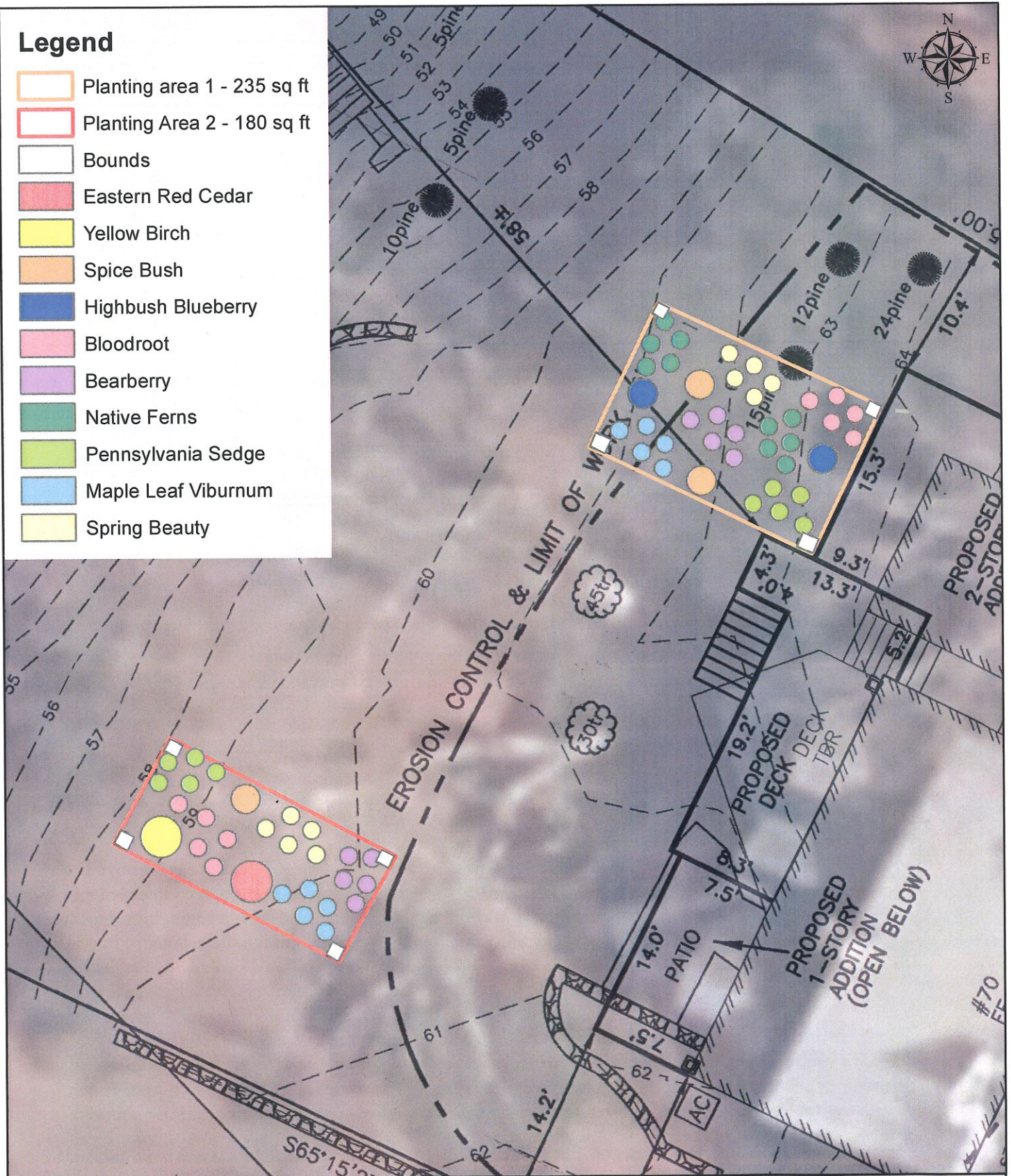
REVISIONS:  
 3/3/23 erosion control & limit of work  
 3/24/23 alteration to riverfront area calcs

PROJECT NO. 26611



# Legend

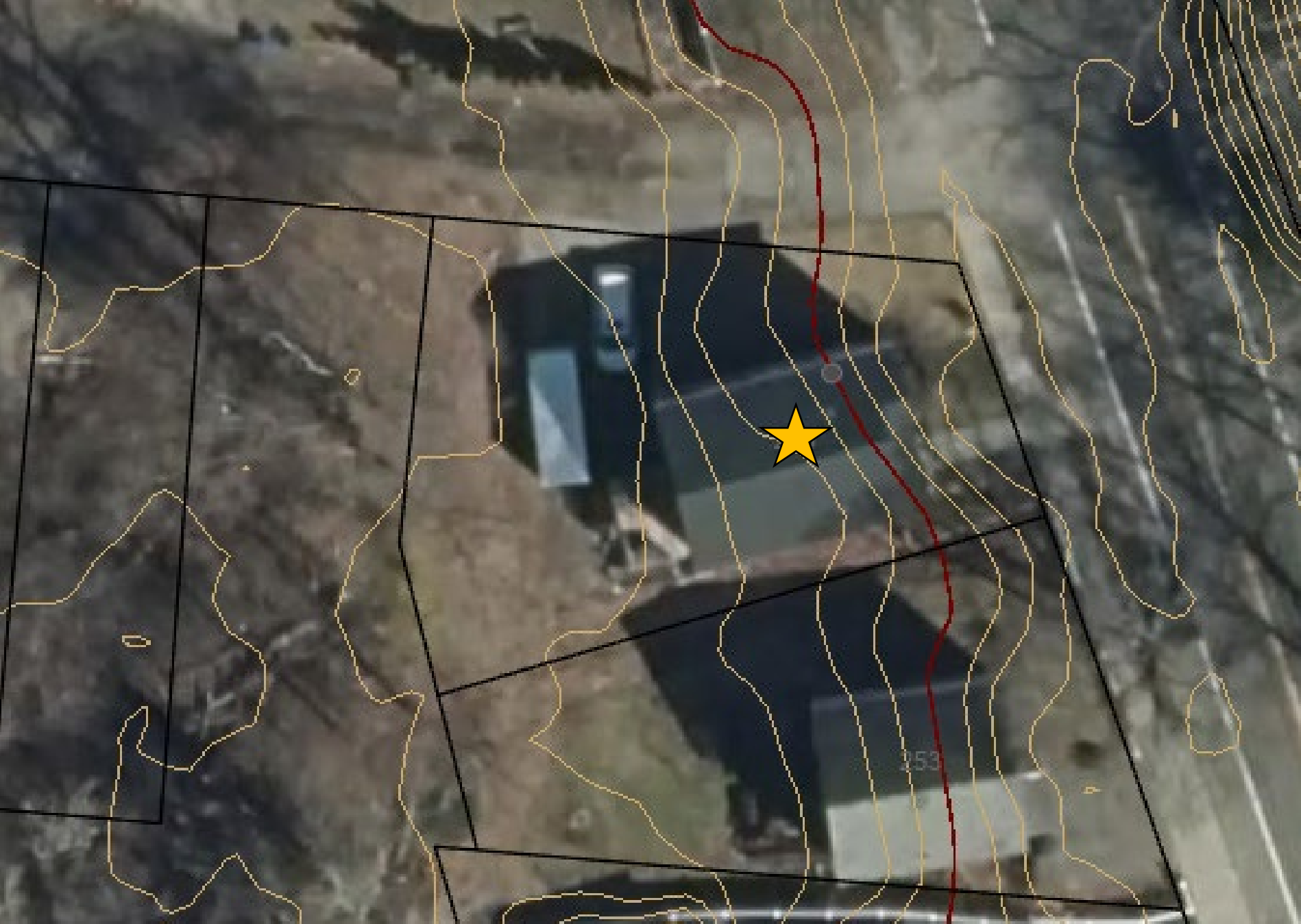
- Planting area 1 - 235 sq ft
- Planting Area 2 - 180 sq ft
- Bounds
- Eastern Red Cedar
- Yellow Birch
- Spice Bush
- Highbush Blueberry
- Bloodroot
- Bearberry
- Native Ferns
- Pennsylvania Sedge
- Maple Leaf Viburnum
- Spring Beauty



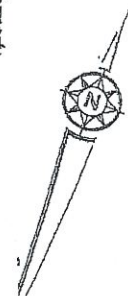
Date: 3/28/2023	GC Job Number: 207-103	<b>Riverfront Area Planting Plan</b>	0      5      10 Feet	
		70 Kingswood Road Newton, MA 02466	1 in = 10 ft	<b>Figure 1</b>
		Parcel ID: 41027 0019		



249 Winchester Rd

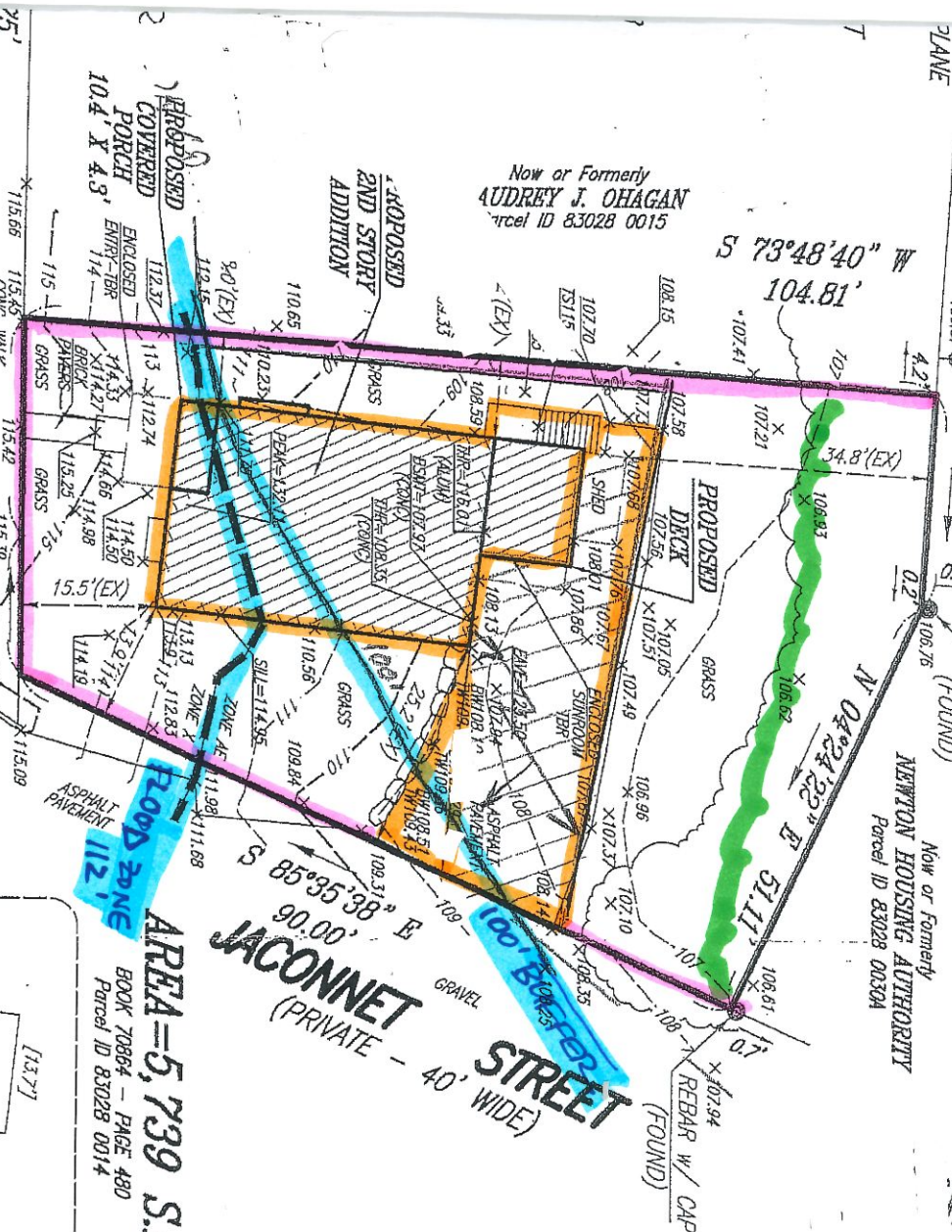


**ESTIMATED WETLAND LINE**



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

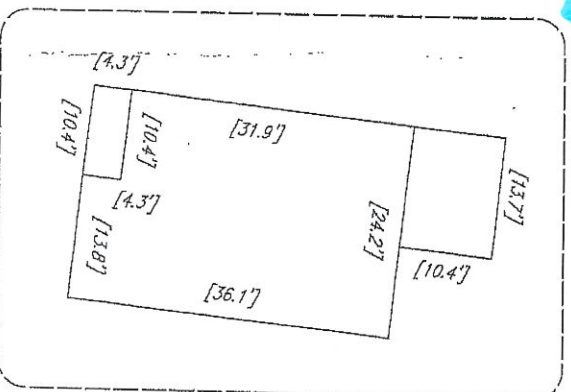
Now or Formerly  
AUDREY J. OHAGAN  
Parcel ID 83028 0015



**100' Buffer STREET**  
S 85°35'38" E 90.00'  
JACONNET (PRIVATE - 40' WIDE)  
AREA=5,739 S.F.  
BOOK 70864 - PAGE 480  
Parcel ID 83028 0014

ED ON AN ACTUAL FIELD  
WINCHESTER STREET (PUBLIC)

ZONE: MRL (MULTI-RESIDENCE 1)

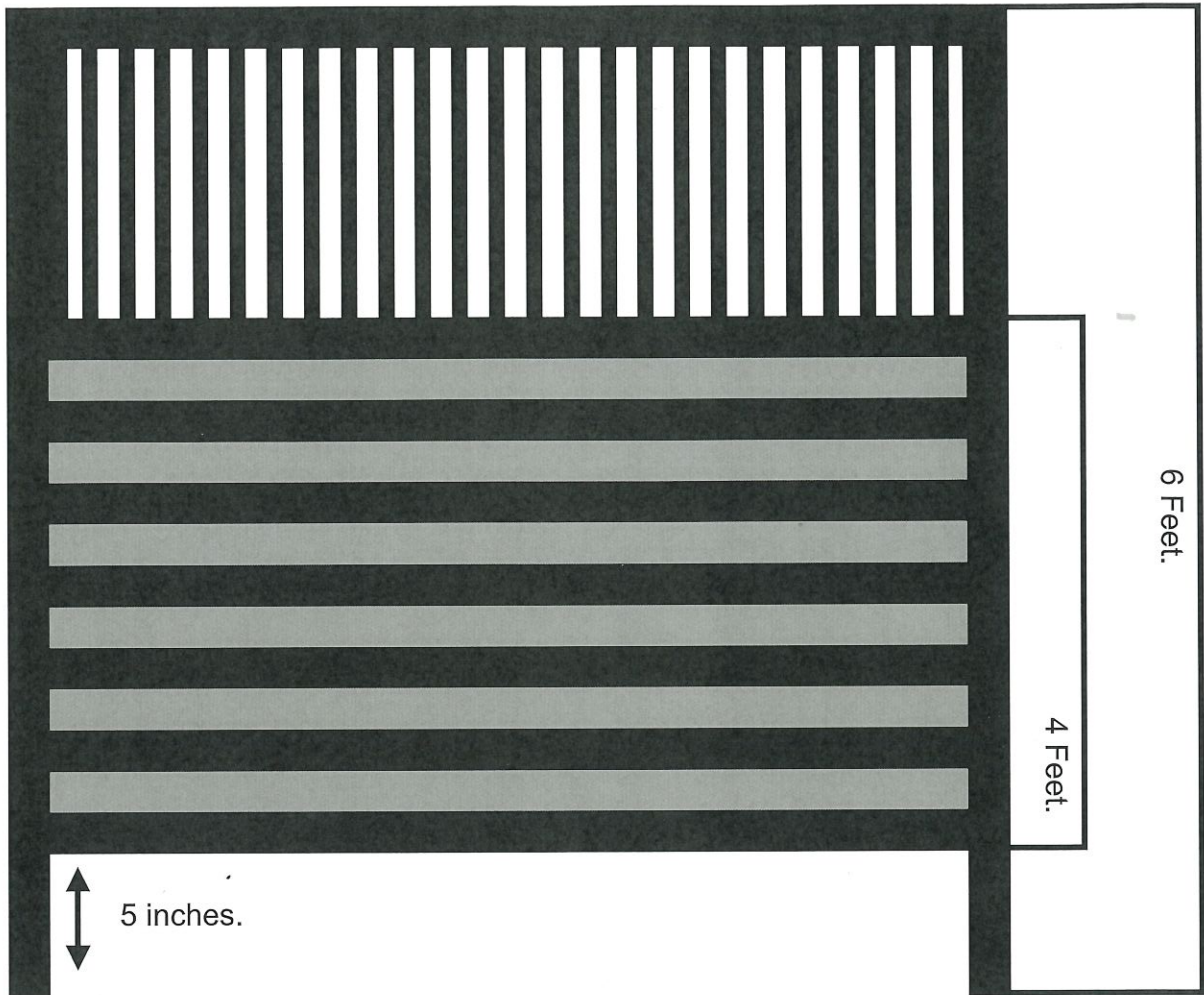


PROPOSED BUILDING DIMENSIONS - NTS

STEPHEN P. DESROCHES  
REGISTERED PROFESSIONAL LAND SURVEYOR  
No. 27699  
DATE 5/30/18

27699

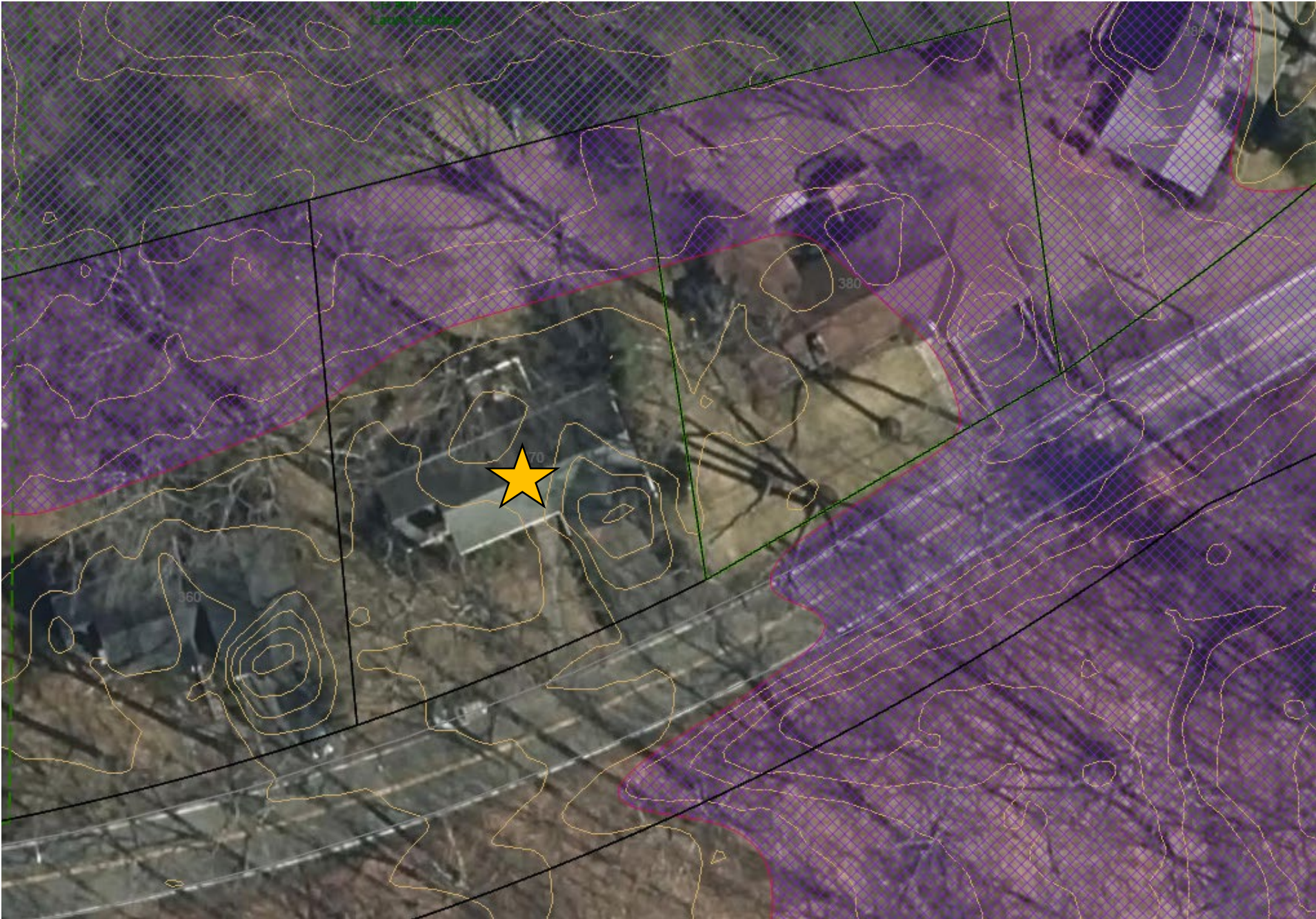
Lattice 50% Open.



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



370 Quinobequin Rd





370 Quinobequin Rd



BVW/Flood Zone/CR restoration

Permitted lawn  
(in BVW and flood zone)

Estimated BVW line





STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A. MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
KATHRYN K. WINTERS  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
ADAM M. SCHECTER

1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267  
TELEPHONE (617) 965-3500  
FAX (617)-965-6824  
www.sab-law.com

March 30, 2023

**BY ELECTRONIC MAIL**

Ms. Jennifer Steel  
Chief Environmental Planner  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Order of Conditions #239-867/Units 1 through 8 at 1185 Washington Street,  
149, 1151, 1169, 1171-1173, and 1179 Washington Street,  
12, 18, 24, and 25 Kempton Place, and 32 and 34 Dunstan Street, Newton, MA

Dear Ms. Steel,

The above-referenced Order of Conditions will expire on July 22, 2023. As you and members of the Commission are undoubtedly aware, larger development projects have been experiencing delays not only within the Commonwealth of Massachusetts, but around the country. These delays are attributable to a variety of factors, including but not limited to rising interest rates, increased cost of construction, and supply chain issues. In light of such unforeseen delays, the applicant, Mark Development, LLC, would like to request an extension of time to July 22, 2026.

I understand that the Commission will deliberate and vote on this matter at the next available hearing. I will plan to attend the meeting with a member of the Mark Development team in the event that there are any questions for the applicant.

Please feel free to contact me if you have any questions in the meantime.

Sincerely,

A handwritten signature in blue ink that reads "Stephen J. Buchbinder".

Stephen J. Buchbinder

SJB/mer

cc: (By Email)

Mr. Robert Korff  
Mr. Damien Chaivano  
Ms. Stephanie Moresco  
Leslie Kivitz, Esquire  
Brent McDonald, Esquire

# CONSERVATION COMMISSION MINUTES

Date: Thursday, March 23, 2023

Time: 7:00pm

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

**With a quorum present**, the meeting opened at 7:01 pm with Susan Lunin presiding as Chair.

**Members Present:** Susan Lunin (Vice-Chair), Kathy Cade, Judy Hepburn, Jeff Zabel, Leigh Gilligan,

**Members Absent:** Dan Green (Chair), Ellen Katz, 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) 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
- 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
- Presentation (Staff) and Discussion.
  - Staff showed highlighted site plans and site photos and summarized the proposed work.
  - Staff noted that revised plans have been received, showing the requested changes:
    - Sediment controls ~7 feet from the pine trees along the property line
    - 2 areas of work: "major" and "minor", with grading restricted changes to "major" area
    - Construction fence will go along the "major/minor" divide to protect the far corner from grading changes and heavy equipment.
    - A larger bounded mitigation planting area to address the expansion of impervious area, the "new" proposed removal of 7 trees, and the "old" removal of the hemlock hedge.
    - The 2 7" hemlocks shown as to-be-removed shall be retained.
  - Tree and shrub removal undertaken under the "old" OOC were discussed.
  - The open OOC (DEP file #239-772) for a teardown/rebuild will need to be closed.
- Vote to close the hearing and issue an Order of Conditions with the following special conditions, releasing the OOC to the applicant once the following plan changes have been received and approved by Conservation staff. [Motion: Gilligan, Second: Zabel, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]
  - Revised Engineering plan to show:
    - Orange snow fence to define major vs minor work areas.
    - Larger mitigation planting area (1600 sf, bounds moved 4 feet to the west).
    - The planting plan will be withdrawn, and staff will wait to receive a new planting plan with recommended native plants.
  - Special Conditions:
    - Work within the "minor" work area will be limited to hand work, with no grading changes or heavy equipment allowed.
    - Entrenched silt fence shall wrap the "major" work area. Compost sock alone should be installed along the street edge of the "minor work area" (to protect tree roots).



**Mayor**  
Ruthanne Fuller

**Director  
Planning &  
Development**  
Barney Heath

**Chief  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
Environmental  
Planner**  
Ellen Menounos

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

**Associate  
Member**  
Sonya McKnight

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

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

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

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

- 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*) 1" caliper or 5-6 feet tall
  - 2 Eastern redbud (*Cercis*) 1" caliper or 5-6 feet tall
  - 2 Eastern shadbush (*Amelanchier Canadensis*) 3-5 gallon or 3-4 feet tall
  - 3 Mountain laurels (*Kalmia latifolia*) 3 gallon
  - 3 Rosebay rhododendron (*Rhododendron maximum*) 3 gallon
  - 25 Hay-scented ferns
  - Leaf litter mulch 3-4"
- Outside the mitigation planting area, but within the RFA the following shall be established:
  - 2 of any of the following native understory trees (Flowering dogwood, Eastern redbud, Eastern shadbush)
  - 1 native canopy tree (oak or cherry)
- Three bounds shall be placed (5 feet further west than the westerly ones on the current plan): One shall be on the rear lot line, one on the front lot line, and one in the middle of that line to define a protected mitigation area of at least 1600 sf. The bounds shall have informative medallions supplied by the Conservation Office permanently affixed to their tops.
- The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review and provide the following.
  - a. A signed Certificate of Understanding (attached to the Order of Conditions cover letter).
  - b. Contact information (for working and non-working hours) for those responsible for site compliance.
  - c. The anticipated timeline.
  - d. Proof of Recording the Order (Note: the proof of recording must be submitted to the Conservation Office through the City's online permitting system.)
  - e. DEP File number sign (minimum size 2'x2', clearly visible from the street)
  - f. Sedimentation/erosion controls (properly installed in the correct locations)
  - g. Protection of all trees and shrubs within the limit of work, and as necessary outside the limit of work, with orange snow fence installed at the dripline, plywood sheeting over the roots, and boards tied to the trunk.
- Adequate protection must be installed for the pine trees along the western property line. This will include the erosion controls and mulch and plywood placed over the roots.
- To ensure broad understanding of this Order and good lines of communication, the applicant must:
  - a. Review all conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
  - b. Include this document in all contracts, subcontracts, and specifications associated with the proposed work. The Applicant shall ensure that all contractors, subcontractors and personnel performing the permitted work are aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order.
- 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., Melissa Velez (owners)
- 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, Buffer Zone
- Presentation (Staff) and Discussion.
  - Staff showed highlighted site plans and site photos and summarized the proposed work.
  - 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 and so will not tend to obstruct rising flood waters.
  - The "front" fence segment (along Winchester Street) is above the flood elevation
  - No fence will be erected along the rear (wooded) boundary.
  - The fence must be elevated at least 5" to allow for wildlife passage.

- 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 or chain link or open lattice 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 noted that they had failed to provide the applicants with details about the need for compensatory flood storage for the volume of the fence in flood zone, but felt that it could be provided in concert with mitigation plantings for the unpermitted clearing.
- Discussion ensued.
  - Mr. Murphy noted that a trespasser had been seen in their yard and had vandalized the abutting house.
  - Mr. Murphy noted that the unpermitted clearing occurred prior to his purchase of the property.
  - Mr. Murphy noted that he had removed a lot of trash and debris from the area that is now lawn.
  - Mr. Murphy noted his concern about the cost of plantings and the fact that he had not done the clearing.
  - One commissioner noted that since the clearing was a violation of a negative determination (not a recorded Order of Conditions), there was no way for Mr. Murphy to have known that it was a violation so the Commission should not require too much mitigation.
  - Staff will share a plant list and help the owners develop a mitigation planting plan.
- Vote to continue the hearing to April 11<sup>th</sup> to allow the owners to present a fence design, compensatory flood storage plan, and a mitigation planting plan. [Motion: Gilligan, Second: Hepburn, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

### 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; Vivian Low, DiNisco
- 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.**
- Presentation (Staff) and Discussion.
  - Staff showed highlighted site plans and a PowerPoint presentation prepared by the applicant team and site photos. She noted that the issue before the Commission was just approval of the wetland resource area delineations.
  - Staff stated that she had confirmed the Bank, Riverfront Area, and Bordering Vegetated Wetland flags (and Buffer Zone) in September 2022.
  - Staff confirmed with state officials that the 100-year flood elevation. Amy Ball clarified that the flood elevation is 112.4’ NAVD88.
  - Josh Morse (Commissioner of Public Buildings) noted how excited he was about the innovations that were anticipated for this site (raisin the building out of the water table and above the 500 year floodplain, and employing bio-swales and other green infrastructure) and about the opportunities for programming and education.
  - Alan Rao (180 Dedham St.) asked that the project involve a more in depth study of the capacity of South Meadow Brook to carry floodwaters and more mitigation for area flooding.
  - Kaitlyn Spiegel asked that the project include the removal of trash and attempt to stop the generation of trash.

- Vote to close the hearing and issue an ORAD approving the wetland resource areas as shown on the referenced plans. [Motion: Cade, Second: Hepburn, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

#### 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 (not present)
- Proposed Project Summary.
  - Single-family home was Administratively Approved for demolition and rebuild since it was outside the 100-foot Buffer.
  - The current request is to build 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)
- Presentation (Staff) and Discussion.
  - Staff showed highlighted site plans and site photos.
  - She noted many short-comings of the plans presented and site problems
    - That limit of work granted in 2021 for the demolition of the old house has been exceeded with the installation of erosion controls and construction fence right to the top of the slope.
      - Michael Quinn stated that that was the contractor’s error.
    - The lot has not been subdivided. (The plan shows “proposed lot 14A” and “proposed lot 14B”). The Commission can’t issue an Order Of Conditions without a lot to record it against and a known owner.
    - The wetland has not been flagged. There were no flags 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.
    - Only “approximate” contours are indicated and contours at rear of the lot are shown in 5-foot increments. One-foot contours must be provided.
    - There were no details given for the treatment of the slope, yet there are dilapidated fences and debris that should be removed at the very least.
    - The plans must make clear what is existing and what is proposed (particularly with regard to trees and topography).
  - Lisa Luo, abutter, noted her (and 111 petition signers’) concern about any house that close to the wetland having an adverse effect on the health of the wetland and the Flowed Meadows Conservation Area. Commissioners assured her that they would uphold the performance standards of the Wetlands Protection Act.
  - She suggested that the Request be withdrawn or that the Commission issue a positive determination.
  - The applicant opted to withdraw the Request.

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

- Owner/Applicant. Chirag Bhatt and Heena Pandya
- Representatives. none
- 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**
- Presentation (Staff) and Discussion.
  - 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).
  - One commissioner asked about the City sidewalk that will need to be replaced. The applicant will ensure that her contractor meet with the Engineering Division to determine the appropriate materials and construction specifications.
  - The owner was instructed to install compost sock along the street frontage and to leave it in place until grass has been fully established.
- Staff Recommendation. Vote
- Vote to allow the remedial work without a new NOI. [Motion: Cade, Second: Zabel, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

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

- Owner/Applicant. CrossPoint (Kerry McCormack)
- Representatives. John Rockwood, EcoTec
- Project Summary. To bring site into compliance with the expired Order of Conditions under the existing Enforcement 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.
- Presentation (Staff) and Discussion.
  - The plans for restoration of the rain garden, treatment of invasives, and installation of natives appear to be well-considered and appropriate.
  - John Rockwood provided a detailed narrative for the restoration of the rain garden (e.g., larger riprap, larger shrubs, and a beehive grate) and the previously approved plans showing areas for invasives control and native plantings.
- Vote to approve the proposed plan to satisfy the Enforcement Order. [Motion: Gilligan, Second: Hepburn, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

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

- Owner/Applicant. City of Newton (Nicole Banks, PRC – not present)
- Representatives. Stephanie Kaiser, P.E. Woodard & Curran, Project Manager
- Project Summary. Algae treatment
- Request. 3-year extension
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. LUWW
- Presentation (Staff) and Discussion.
  - 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 heavy rains could cause a spike in phosphorus and so warrant a future reduced dose aluminum treatment.
  - 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.
  - A commissioner asked if the sediments would be toxic and so be problematic if dredged. S. Kaiser assured her that the alum bound to the sediments did not create a toxic material.
- Vote to issue a 3-year extension of the Order of Conditions with continued annual reporting requirements (by November 15<sup>th</sup> of each year). [Motion: Cade, Second: Gilligan, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

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

- Owner/Applicant. City of Newton (Tom Fitzgerald, Utilities – not present)
- Representatives. Jennifer R.M. Burke, P.E. (GZA) – not present
- Project Summary. Dredging for flood storage
- Request. 3-year extension
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. LUWW
- Presentation (Staff) and Discussion.
  - 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 noted that the ponds are part of a flood control system, and so providing flood storage volume is critical.
- Vote to issue a 3-year extension of the Order of Conditions. [Motion: Gilligan, Second: Hepburn, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

## **B. (9:20) CONSERVATION AREA DECISIONS**

## **C. (9:20) ADMINISTRATIVE DECISIONS**

### **9. (9:20) Watertown Dam project**

- Presentation (Staff) and Discussion.
  - 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 recommend that the Commission arrange to take a site visit with ConCom members from adjacent town(s).
- Vincent Piccirilli, Waltham City Councilor, spoke about:
  - The history of the dam, its current ownership by DCR, its current state of disrepair, and its lack of current utility,
  - The potential for the to breach and spew the toxic sediments downstream and allow the widespread establishment of invasive species,
  - The adverse impacts of the dam on fish and birds and wildlife upstream, and
  - The anticipated effects of removal (i.e., bare banks for a very short period of time, then bordering vegetation).
- Vincent Piccirilli, Waltham City Councilor, also noted:
  - There would be a full-blown feasibility study prior to any removal activities,
  - Removal and restoration would be carefully planned and controlled, and
  - The sound of babbling water would be retained by leaving stones in the river channel.
- Alex Hackman, Director of Ecological Restoration for Mass. Audubon, noted his experience with over 30 dam removals and the positive outcomes of those efforts. He offered his services as a technical expert.
- Robert Kerns suggested a weekday site visit in May.
  - Commissioners agreed that that would be valuable.
  - Staff will share commissioner emails with R. Kearns so that he can send out a Doodle poll.

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

- Staff Notes.
  - Jeff is on the Farm Commission, Susan is on CPC, Dan is on the Newton Commonwealth Golf Foundation. Commissioners agreed that periodic reports from each representative would be beneficial. Staff will put periodic updates on future agendas.
  - No one else wanted to be the ConCom member on the Farm Commission
  - Staff noted that Commissioners should submit suggestions for a new Associate Member (to create pool of experienced members).
- Vote to reappoint Jeff Zabel to the Farm Commission. [Motion: Cade, Second: Gilligan, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

### **11. (9:40) Minutes to be approved**

- Documents in packets. Draft 3/2/2023 minutes.
- Vote to approve the 3/2/2023 minutes. [Motion: Hepburn, Second: Cade, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]

## **D. (9:45) ISSUES AROUND TOWN DECISIONS**

**UPDATES** – none discussed

**ADJOURN at 10:02.** Vote. [Motion: Zabel, Second: Cade, Roll-call vote: Gilligan (aye), Lunin (aye), Zabel (aye), Cade (aye), Hepburn (aye). Vote: 5:0:0.]