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CITY OF NEWTON, MASSACHUSETTS

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CONSERVATION COMMISSION MEETING MINUTES June 24th, 2010 Beginning at 7:30 p.m. City Hall, Room 209

Meeting called to order at 7:30 p.m.

MEMBERS PRESENT: I. Wallach, Chair, S. Lunin, Vice-chair, N. Richardson, D. Dickson, J. Hepburn, J. Sender (Alternate)

MEMBERS ABSENT: D. Green, R. Matthews

MEMBERS OF THE PUBLIC: See attached sign-in sheet

46 Allen Ave. –Beethoven Brook-NOI –Continued from April 29th, 2010;

Report: Site visit with consultant scheduled for June 23rd. Sr. Planner will report at meeting.

Meeting: Sr. Planner met with Gillian Davies, of B.S.C. Group, Ted Jerdee, and with John Daghlian at 39 Beethoven on June 23rd to review the previous finding (not in packet or handed out at meeting, as Sr. Planner deemed it preliminary). The lot designated #39 Beethoven Avenue was issued an Order of Conditions some years ago, but a hydrological connection to the stream cannot be demonstrated - must have this for stream to be jurisdictional. The Commission asked about implications for other areas in Newton. Sr. Planner answered that the large wetland on the site of Newton South High School might suffer from a loss of its [former] hydrologic connection to South Meadow Brook (all connections are via pipes); however, this area is also protected as an Inland Wetland Restriction Area. Letter submitted signed by Tom Daley advising DPW wishes to withdraw its NOI. There may be other areas in Newton with similar issues. I. Wallach would like to have the report with all the data on which the decision is based (as would Norm). Planner will make sure it is in the July packet. The Commission declined to close the hearing and will continue to the July 22 meeting. The applicant may appeal. The Commission would also like to include an agenda item on the July agenda regarding an Ordinance or amendment for the situation.

134 Vine St., RDA – Continued from April 29th;

Report: Applicant asks to continue to July 22, 2010.

Meeting: Commission agrees to continue to July 22, 2010.

348 Fuller St., RDA ó Brae Burn Country Club for work under Emergency Certification, including demolition of building in the 100 ft buffer zone;

Report: This is an ñafter-the-factö filing to report what was done for temporary stabilization ó and **should** describe what is planned (and get your input) for permanent stabilization or new work *in buffer zone*.

Meeting: Richard Kosian of Beals & Thomas was present to report on the project. The area where the building and trees were removed has been temporarily stabilized with wood chips, and the owner is proposing to use part of the area for parking, with the rest seeded and landscaped with shrubs. The owner will request to amend an open Order to do the work. Sr. Planner said temporary stabilization is satisfactory and recommends a negative determination #3. **Motion by D. Dickson to approve a negative determination #3. Second by S. Lunin. Vote: All in favor. Motion passed.**

Conservation Commission

1000 Commonwealth Avenue, Newton, Massachusetts 02459

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Eric Olson-Requesting Commission to allow him to plant plants at Countryside.

Report: At last meeting, hearing continued to date certain -September 23rd meeting. File number and comments just received from DEP, including need for wetland delineation and description of how the project protected the interests under the Act.

Meeting: Eric Olson present and letter submitted from Emily Ostrower, Countryside School, to request they be allowed to plant plants. Eric said the students removed a lot of trash this year, and some plants were purchased. Planner said do not have abutter receipts from D. Green (but they were in the file). DEP issued a file number and comments (Eric said E. Ostrower has not received them), but they are available on the DEP web site. Comments include need for wetland delineation, including flood zone. E. Olson and J. Sender said they had delineated bordering vegetated wetland and submitted notes taken, but did not fill out DEP data sheets and send to DEP. Because this item was continued to September 23rd at the last meeting, there is some question under the open meeting law about deciding issues without warning to abutters. **Motion by N. Richardson to allow planting in area outside of delineated wetland boundary once it has been done based on DEP methodology; plants can be planted in upland buffer zone (in riverfront, but out of flood zone or bordering vegetated wetland). Second by D. Dickson. Vote: S. Lunin, N. Richardson, J. Hepburn, D. Dickson in favor; I. Wallach abstained. Motion passed.**

Houghton Garden letter to Chair- Requests clarification on maintenance collaborative.

Report: Candace Havens has met with several members of the Garden Club, to develop a draft maintenance agreement, but we felt it was better to hold off finalizing as the Management Plan Committee worked on policy for the conservation areas (CAs), overall. And, the Law Department still wants residents who send their landscapers into the CA to have the landscapers sign a liability waiver. Last year the Club asked to remove Japanese knotweed from the wetlands there, and were to prepare paperwork for filing.

Meeting: Michele Hanss and Abby Coffin, of the Friends of Houghton Garden were present, as were Aldermen Ruthanne Fuller (past president of the Friends) and Lisle Baker. Ms. Hanss said this past year the Garden Club has stopped work in Houghton Garden because of doubts as to what is allowed. Houghton Garden has an historical character that needs to be maintained in addition to its conservation properties. They want to know how much maintenance and upkeep the City will do. Ms. Hanss said that limbs should not be left in the historic garden area, although it may be good for the conservation area. The historic garden has a landscape plan prepared by Marion Pressley. Alderman Baker said clarification of what can be done and how it can be done by the City and by volunteers is needed. There is ambiguity in the volunteer roles in the draft maintenance plan. They want to know when to inform City staff of work being undertaken. The Commission indicated that the Garden Club and Friends of Houghton Garden can do routine work. Work in the wetland, other than hand-trimming the non-natives, would require a filing. Fallen logs may still be an issue. City staff should be notified if there are large groups or hired contractors or landscapers and told when the work is proposed. Alderman Baker said there were funds in the City Houghton Garden Fund that could be used for maintenance. Ms. Hanss said the Friends still have reservations about working in the Garden as in the past. The Commission said a specific list of things the Garden Club and Friends want to do would be helpful for figuring out what can be done going forward.

Violations:

116 Louise Rd.-Tresspass and buffer zone violation. Stephen Buchbinder wrote letter to E. McGettigan in Law Department that he is representing owners and copied Environmental Planner. He will not be ready for June meeting.

Meeting: This item not discussed.

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34 Farwell St. Violation ó EO ó Update: Inspectional Services following up on building violations in front house.
Meeting: This item not discussed.

15 Harwich Rd. óMr. Spellman says he is working with a consultant to bring site into compliance;
Meeting: This item not discussed.

46 Farwell St. – Mitigation activity at Norumbega is completed. Recommend the Commission send letter to Mr. DiAgostino to this effect, and note violation is successfully mitigated.
Meeting: This item not discussed.

Certificates of Compliance

50-52 Tanglewood óRequest for full COC ó all work completed. Representatives need not come back if all is in order. All is in order.

Meeting: This item not discussed.

40 Willow St. DEP 239-405- Letter from engineer and as-built plan received.

Meeting: Mrs. Ruby Davis, owner, was present. She said her husband had dealt with the contractor. She is aware a number of changes were made, but her husband, who now has Alzheimer's disease, dealt with the contractor. Sr. Planner said there is no planting plan in the file, but a hedge of mostly native plants lines the periphery of the property. The storm drain for the driveway is too high to work correctly, but permeable pavers and gravel will filter water and prevent run-off. It is not ideal, but any detrimental changes seem to be balanced by an increased covering of woody native plants. Mrs. Davis was advised her trench drain at the base of the driveway is not working correctly. **Motion by S. Lunin to issue COC with on-going condition for no pesticides and herbicides. Second by N. Richardson. Vote: All in favor. Motion passed.**

750 Sawmill Brook Pkwy. ó Letter from engineer and as-built plan received.

Meeting: No action needed; none taken.

117 Wallace St., DEP 239-582 ó Letter from surveyor and as-built plan received.

***Meeting:** Taken up after next (late add agenda item for discussion). Env. Planner recommends issuance of Certificate. **Motion by N. Richardson to issue Certificate of Compliance. Second by D. Dickson. Vote: All in favor. Motion passed.**

Nahanton Park –Parks & Recreation Department ó Discussion about trial Canoe and Kayak concession at Nahanton Park starting July 1, 2010. Judy Dore, Parks and Recreation,

Announcements & General Business:

May 27th, 2010 Meeting Minutes for approval

Report on Management Plan Meeting-Susan ó everyone should have her email regarding the discussion.

Report on Aqueducts ó Judy-everyone should have the report Judy emailed out, and there is a report in your packet by Henry Finch, Newton Conservators, who also attended the meeting.

Anne Phelps, Sr. Environmental Planner



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