

**Mayor**  
Ruthanne Fuller

**Director, Planning & Development**  
Barney Heath

**Chief Environmental Planner**  
Jennifer Steel

**Assistant Environmental Planner**  
Ellen Menounos



1000 Commonwealth Ave.  
Newton, MA 02459  
617-769-1000

**Conservation  
Commission Members**  
Dan Green, Chair  
Susan Lunin, Vice Chair  
Kathy Cade  
Leigh Gilligan  
Jeff Zabel  
Bob Jampol  
Sean Macamaux

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## Conservation Commission AGENDA October 30, 2025

**Location:** Zoom. This meeting will be a virtual meeting.

Use the Zoom link: <https://newtonma-gov.zoom.us/j/88620336650>  
or +16465588656,,88620336650#

**Time:** 7:00 pm

**NOTE:** The Chair may take items out of order and may limit discussion

**NOTE:** Packets and full applications are available on [the Commission's website](#).

### **WETLANDS DECISIONS**

- 1) **1 Malvern Terrace – Enforcement Order -- DEP File # 239-808 – Update on planting area**  
(estimated start 7:00, estimated duration: 15 minutes)

Applicant/Representative: Mandyam Srinivasan / John Rockwood, EcoTec, Inc.

- 2) **140 Dartmouth Rd – Minor Plan Change Request -- DEP #239-990**

(estimated start 7:15, estimated duration: 15 minutes)

Applicant/Representative: Jon Russo

### **OTHER DECISIONS**

### **UPDATES AND DISCUSSION**

### **PUBLIC COMMENT**

### **ADJOURNMENT**

(estimated time 8:00)

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*Reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.*





## Mitigation Planting Area Plan

As part of the proposed mitigation for the project, a mitigation planting area totaling 2,720± square feet in size will be established in the existing lawn area proximate to the Charles River in the western portion of the site. Approximately 871± square feet of this planting area is lawn Bordering Vegetated Wetlands and 1,357± square feet of this area is lawn Bordering Land Subject to Flooding. This mitigation planting area receives runoff from a portion of site under existing conditions, and will continue to receive some runoff under proposed conditions. The plantings in this area will serve to further stabilize this area, reduce stormwater runoff, capture pollution, and provide enhance wildlife habitat compared to the existing lawn. The saplings have been proposed to mitigate for the proposed tree removals. This mitigation location is the best to serve to protect the statutory interests as it is located within the inner Riverfront Area as close to the Charles River on the site as possible. The renaturalization of Bordering Vegetated Wetlands and Bordering Land Subject to Flooding within this area serves as an additional significant project benefit. With the exception of an approximately 15- to 20-foot-wide area near the shed near the southern property boundary that has been left open to provide for access to the Charles River, the mitigation planting area will consist of an 'L-shaped' area providing a significant buffer ranging from 27 to 57 feet in thickness between the developed portion of the lot and the Charles River.

As the mitigation planting area currently consists of maintained lawn located within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, Riverfront Area, and 100-foot Buffer Zone, a moderately dense planting regimen of native shrubs is proposed. The plan will also include several saplings to be located within the planting area near the northern property boundary. Prior to planting the area, the lawn within the area will be mowed very short (almost scalped). The plants will then be spaced under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The excess soil will be removed from the site. As the woody plant materials will be planted within the existing lawn, an erosion control barrier has not been proposed between the planting area and the Charles River. Following planting, the plants will be watered in well. The area will then be mulched with a 2- to 4-inch thick layer of a 1:1 mixture of decomposed leaf matter and maple/oak leaves. This will aid in keeping the lawn out of the area, will help keep the woody plantings moist, and will provide cover and habitat. The woody materials will be watered regularly for a period of 4 weeks, and will be watered if evidence of stress is observed.

The proposed plantings include species that will provide for a variety of habitat features, including cover and foraging habitat. These plants will also provide a visual landscape for the property owner. The intent of the planting plan is to create a visually striking thicket with 134 shrubs located throughout the area and 5 saplings near the northern edge of the area to mitigate for the limited number of trees removed as part of the project. This plan will significantly augment the value of this multiple resource area portion of the lot, while still maintaining a suitable viewshed and the ability to access the Charles River. The proposed plant species and size for each of the strata proposed to be established is provided in the table below. If a particular species is not available, a substitution will be recommended by the wetland scientist. Again, the saplings should be located along the northern edge of the area; the shrubs, which are specified in two size ranges to increase the vegetational community structure, should be planted in clusters with two or three specimens of the same species with the average on-center spacing of the shrubs at 4.5 feet.

**Proposed Mitigation Plantings (2,720± square feet)**

Plant Species and Size	Number		Total
	BVW (871 sf)	BLSF/Upland (1,849)	
<b>Saplings, 1 to 1.5" caliper</b>			
Eastern White Pine ( <i>Pinus strobus</i> )	-	1	1
Northern Red Oak ( <i>Quercus rubra</i> )	-	2	2
Red Maple ( <i>Acer rubrum</i> )	2	-	2
<b>Shrubs, 2 to 3' in height</b>			
Eastern Red Cedar ( <i>Juniperus virginiana</i> )	-	10	10
American Witch-hazel ( <i>Hamamelis virginiana</i> )	-	10	10
American Hazel-nut ( <i>Corylus americana</i> )	-	9	9
Gray Dogwood ( <i>Cornus racemosa</i> )	-	8	8
Black Chokeberry ( <i>Photinia melanocarpa</i> )	4	8	12
Arrow-wood ( <i>Viburnum dentatum</i> )	5	5	10
Highbush Blueberry ( <i>Vaccinium corymbosum</i> )	5	5	10
Red Chokeberry ( <i>Photinia pyrifolia</i> )	4	-	4
Withe-rod ( <i>Viburnum cassinoides</i> )	4	-	4
Silky Dogwood ( <i>Cornus amomum</i> )	4	-	4
<b>Shrubs, 1 to 2' in height</b>			
Common Juniper ( <i>Juniperus communis</i> )	-	8	8
Maple-leaf Viburnum ( <i>Viburnum acerifolium</i> )	-	8	8
Lowbush Blueberry ( <i>Vaccinium angustifolium</i> )	-	8	8
Bearberry ( <i>Arctostaphylos uva-ursi</i> )	-	6	6
New Jersey Tea ( <i>Ceanothus americanus</i> )	-	6	6
Pink Azalea ( <i>Rhododendron periclymenoides</i> )	4	-	4
Common Winterberry ( <i>Ilex verticillata</i> )	5	-	5
Inkberry ( <i>Ilex glabra</i> )	4	-	4
Sweet Pepper-bush ( <i>Clethra alnifolia</i> )	4	-	4

The owner will be made aware that this area is not to be treated as a landscaped area. Bark mulch and/or wood chips shall not be used in the area. Following establishment, the mitigation area shall not be mowed or otherwise maintained except to replace any plant materials that have not survived. Leaf litter, lawn clippings, and other yard waste may not be dumped into the area. Leaf litter may be allowed to naturally accumulate within the area.

**Mitigation Planting Area Monitoring:** The mitigation planting area will be monitored near the end of the growing season for two years after it is established. During each inspection, which will be conducted by a qualified wetland scientist, the condition of the mitigation planting area and the number and species of saplings and shrubs and their condition will be documented. Photographs of the mitigation planting area shall be taken and representative photographs shall be included in the report. To be considered a success, the plantings shall have a 75% survival rate. The findings of each inspection will be documented in a report that will be submitted in a timely manner to the Commission. Each report will include any necessary recommendations to bring the area into compliance.





## Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

### C. On-Site Review *(minimum of two holes required at every proposed primary and reserve disposal area)*

Deep Observation Hole Number: \_\_\_\_\_

Hole # \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Weather \_\_\_\_\_ Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

1. Land Use \_\_\_\_\_  
(e.g., woodland, agricultural field, vacant lot, etc.) Vegetation \_\_\_\_\_ Surface Stones (e.g., cobbles, stones, boulders, etc.) \_\_\_\_\_ Slope (%) \_\_\_\_\_

Description of Location: \_\_\_\_\_

2. Soil Parent Material: \_\_\_\_\_  
Landform \_\_\_\_\_ Position on Landscape (SU, SH, BS, FS, TS, Plain) \_\_\_\_\_

3. Distances from: Open Water Body \_\_\_\_\_ feet Drainage Way \_\_\_\_\_ feet Wetlands \_\_\_\_\_ feet  
Property Line \_\_\_\_\_ feet Drinking Water Well \_\_\_\_\_ feet Other \_\_\_\_\_ feet

4. Unsuitable Materials Present:  Yes  No If Yes:  Disturbed Soil/Fill Material  Weathered/Fractured Rock  Bedrock

5. Groundwater Observed:  Yes  No If yes: \_\_\_\_\_ Depth to Weeping in Hole \_\_\_\_\_ Depth to Standing Water in Hole

#### Soil Log

Depth (in)	Soil Horizon /Layer	Soil Texture (USDA)	Soil Matrix: Color-Moist (Munsell)	Redoximorphic Features			Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
				Depth	Color	Percent	Gravel	Cobbles & Stones			
					Cnc : _____ Dpl: _____						
					Cnc : _____ Dpl: _____						
					Cnc : _____ Dpl: _____						
					Cnc : _____ Dpl: _____						
					Cnc : _____ Dpl: _____						
					Cnc : _____ Dpl: _____						

Additional Notes: \_\_\_\_\_



# Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

## C. On-Site Review *(minimum of two holes required at every proposed primary and reserve disposal area)*

Deep Observation Hole Number: \_\_\_\_\_

Hole # \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_

Weather \_\_\_\_\_

Latitude \_\_\_\_\_

Longitude \_\_\_\_\_

1. Land Use: \_\_\_\_\_

(e.g., woodland, agricultural field, vacant lot, etc.) \_\_\_\_\_

Vegetation \_\_\_\_\_

Surface Stones (e.g., cobbles, stones, boulders, etc.) \_\_\_\_\_

Slope (%) \_\_\_\_\_

Description of Location: \_\_\_\_\_

2. Soil Parent Material: \_\_\_\_\_

Landform \_\_\_\_\_

Position on Landscape (SU, SH, BS, FS, TS, Plain) \_\_\_\_\_

3. Distances from:

Open Water Body \_\_\_\_\_ feet

Drainage Way \_\_\_\_\_ feet

Wetlands \_\_\_\_\_ feet

Property Line \_\_\_\_\_ feet

Drinking Water Well \_\_\_\_\_ feet

Other \_\_\_\_\_ feet

4. Unsuitable Materials Present:  Yes  No

If Yes:  Disturbed Soil/Fill Material

Weathered/Fractured Rock

Bedrock

5. Groundwater Observed:  Yes  No

If yes: \_\_\_\_\_ Depth to Weeping in Hole

\_\_\_\_\_ Depth Standing Water in Hole

### Soil Log

Depth (in)	Soil Horizon /Layer	Soil Texture (USDA)	Soil Matrix: Color-Moist (Munsell)	Redoximorphic Features			Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
				Depth	Color	Percent	Gravel	Cobbles & Stones			
					Cnc :						
					Dpl:						
					Cnc :						
					Dpl:						
					Cnc :						
					Dpl:						
					Cnc :						
					Dpl:						
					Cnc :						
					Dpl:						

Additional Notes: \_\_\_\_\_



## Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

### D. Determination of High Groundwater Elevation

1. Method Used (Choose one):

Depth to soil redoximorphic features

Obs. Hole # \_\_\_\_\_

Obs. Hole # \_\_\_\_\_

\_\_\_\_\_ inches

\_\_\_\_\_ inches

Depth to observed standing water in observation hole

\_\_\_\_\_ inches

\_\_\_\_\_ inches

Depth to adjusted seasonal high groundwater ( $S_h$ )  
(USGS methodology)

\_\_\_\_\_ inches

\_\_\_\_\_ inches

Index Well Number \_\_\_\_\_

Reading Date \_\_\_\_\_

$$S_h = S_c - [S_r \times (OW_c - OW_{max}) / OW_r]$$

Obs. Hole/Well# \_\_\_\_\_

$S_c$  \_\_\_\_\_

$S_r$  \_\_\_\_\_

$OW_c$  \_\_\_\_\_

$OW_{max}$  \_\_\_\_\_

$OW_r$  \_\_\_\_\_

$S_h$  \_\_\_\_\_

### E. Depth of Pervious Material

1. Depth of Naturally Occurring Pervious Material

a. Does at least four feet of naturally occurring pervious material exist in all areas observed throughout the area proposed for the soil absorption system?

Yes     No

b. If yes, at what depth was it observed (exclude O, A, and E Horizons)?

Upper boundary: \_\_\_\_\_  
inches

Lower boundary: \_\_\_\_\_  
inches

c. If no, at what depth was impervious material observed?

Upper boundary: \_\_\_\_\_  
inches

Lower boundary: \_\_\_\_\_  
inches



Commonwealth of Massachusetts  
City/Town of

## Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

### F. Certification

I certify that I am currently approved by the Department of Environmental Protection pursuant to 310 CMR 15.017 to conduct soil evaluations and that the above analysis has been performed by me consistent with the required training, expertise and experience described in 310 CMR 15.017. I further certify that the results of my soil evaluation, as indicated in the attached Soil Evaluation Form, are accurate and in accordance with 310 CMR 15.100 through 15.107.

\_\_\_\_\_  
Signature of Soil Evaluator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name of Soil Evaluator / License #

\_\_\_\_\_  
Expiration Date of License

\_\_\_\_\_  
Name of Approving Authority Witness

\_\_\_\_\_  
Approving Authority

**Note:** In accordance with 310 CMR 15.018(2) this form must be submitted to the approving authority within 60 days of the date of field testing, and to the designer and the property owner with [Percolation Test Form 12](#).

**Field Diagrams:** Use this area for field diagrams:

## 310 CMR 10.03: General Provisions

### 10.03 (7) Fees

(c) Activities Subject to Notice of Intent Fees. The following activity descriptions are intended to include all activities subject to filing of a Notice of Intent under M.G.L. c. 131, § 40. The fees imposed by 310 CMR 10.03 are applicable only to those activities subject to jurisdiction under M.G.L. c. 131, § 40. The fee for work proposed under a single Notice of Intent that involves more than one activity noted below, shall be determined by adding the fees for each of the proposed activities. When the work involves activities within the riverfront area as well as another resource area or the buffer zone, the fee shall be determined by adding an additional 50% of the fee calculated for activities in another resource area(s) or the buffer zone to another resource area for each of the proposed activities within the riverfront area. When the work involves activities within the riverfront area but no other resource area, the fee shall be determined by adding the fees for each of the proposed activities within the riverfront area.

#### 1. Category 1. \$110

- a. **Any work on a single family residential lot including a house addition, deck, garage, garden, pool, shed, or driveway.** Activities excluded from Category 1 include driveways reviewable under 310 CMR 10.53(3)(e) (See Category 2f.); construction of an unattached single family house; and construction of a dock, pier, or other coastal engineering structure.
- b. Site preparation of each single family house lot, including removal of vegetation, excavation and grading, where actual construction of the house is not proposed under the Notice of Intent.
- c. **Control of nuisance vegetation** by removal, herbicide treatment or other means, from a resource area, **on each single family lot**, as allowable under 310 CMR 10.53(4).
- d. Resource improvement allowed under 310 CMR 10.53(4), other than removal of aquatic nuisance vegetation, as allowed under 310 10.53(4).
- e. Construction, repair, replacement or upgrading of a subsurface septic system or any part of such a system.
- f. Activities associated with installation of a monitoring well, other than construction of an access roadway thereto.
- g. New agriculture, including forestry on land in forest use (310 CMR 10.53(3)(r) and (s)), and aquacultural projects.

#### 2. Category 2. \$500

- a. **Construction of each single family house** (including single family houses in a subdivision), any part of which is in a buffer zone or resource area. **Any activities associated with the construction of said house(s), including associated site preparation and construction of retention/detention basins, utilities, septic systems, roadways and driveways** other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e) (See Category 2f.), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent. (For apartment/condominium type buildings See Category 3.)
- b. Parking lot of any size.
- c. The placement of sand for purposes of beach nourishment.
- d. Any projects reviewable under 310 CMR 10.24(7)(a) through (c).
- e. **Any activities reviewable under 310 CMR 10.53(3)(d) and (f) through (l)**, except for those subject to 310 CMR 10.03(7)(c)4.b. Where more than one activity is proposed within an identical footprint (e.g., construction of a

sewer within the footprint of a new roadway), only one fee shall be payable.

- f. Construction of each crossing for a driveway associated with an unattached single family house, reviewable under 310 CMR 10.53(3)(e).
- g. **Any point source discharge.**
- h. **Control of nuisance vegetation, other than on a single family lot**, by removal, herbicide treatment or other means, reviewable under 310 CMR 10.53(4).
- i. Raising or lowering of surface water levels for flood control or any other purpose.
- j. **Any other activity not described in Categories 1, 3, 4, 5 or 6** (e.g., the determination of whether a stream is perennial or intermittent).
- k. The exploration for (but not development, construction, expansion, maintenance, operation or replacement of) public water supply wells or wellfields derived from groundwater, reviewable under 310 CMR 10.53(3)(o).
- l. Test projects pursuant to 310 CMR 10.05(11).

3. Category 3. **\$1050**

- a. **Site preparation, for any development other than an unattached single family house(s)**, including the removal of vegetation, excavation and grading, **where actual construction is not proposed** in the Notice of Intent.
- b. **Construction of each building for any commercial, industrial, institutional, or apartment/condominium/townhouse-type development**, any part of which is in a buffer zone or resource area. Any activities associated with the construction of said building, including associated site preparation and construction of retention/detention basins, septic systems, parking lots, utilities, point source discharges, package sewage treatment plants, and roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent.
- c. **Construction of each roadway or driveway**, not reviewable under 310 CMR 10.53(3)(e), and **not associated with construction of an unattached single family house.**
- d. Any activity associated with the clean up of hazardous waste, except as otherwise noted in Category 4, including excavation, destruction of vegetation, change in subsurface hydrology, placement of collection wells or other structures for collection and treatment of contaminated soil and/or water.
- e. The development, construction, expansion, maintenance, operation, or replacement of (but not exploration for) public water supply wells or wellfields derived from groundwater, reviewable under 310 CMR 10.53(3)(o).

4. Category 4. **\$1450**

- a. Construction of each crossing for a limited project access roadway or driveway reviewable under 310 CMR 10.53(3)(e) associated with a commercial, industrial, or institutional development or with any residential construction (other than a roadway or driveway associated with construction of an unattached single family house).

- b. Construction, modification, or repair of a flood control structure such as a dam, reservoir, tidegate, sluiceway, or appurtenant works.
  - c. Creation, operation, maintenance or expansion of a public or private landfill.
  - d. Creation, operation, maintenance or expansion of a public or private sand and/or gravel operation including but not limited to excavation, filling, and stockpiling.
  - e. Construction of new railroad lines or extensions of existing lines, including ballast area, placement of track, signals and switches and other related structures.
  - f. **Construction, reconstruction, expansion, or maintenance of any bridge, except to gain access to a single family house lot.**
  - g. Any alteration of a resource area(s) to divert water for the clean up of a hazardous waste site, for non-exempt mosquito control projects, or for any other purpose not expressly identified elsewhere in this fee schedule.
  - h. **Any activities, including the construction of structures, associated with a dredging** operation conducted on land under a waterbody, waterway, or the ocean. If the dredging is directly associated with the construction of a new dock, pier or other structure identified in Category 5, only the Category 5 fee shall apply.
  - i. Construction of, or the discharge from, a package sewage treatment plant.
  - j. Airport vegetation removal projects reviewable under 310 CMR 10.24(7)(c)5. and 10.53(3)(n).
  - k. Landfill closure projects reviewable under 310 CMR 10.24(7)(c)4. and 10.53(3)(p).
  - l. Any activities, including the construction of structures, associated with the assessment, monitoring, containment, mitigation, and remediation of, or other response to, a release or threat of release of oil and/or hazardous material reviewable under 310 CMR 10.24(7)(c)6. or 10.53(3)(q).
5. Category 5. **\$4 per linear foot**  
**Construction, reconstruction, repair or replacement of docks, piers, revetments, dikes, or other engineering structures on coastal or inland resource areas, including the placement of rip rap or other material on coastal or inland resource areas.**
6. Category 6. **\$2 per linear foot with a maximum of \$200 for a single-family house project and a maximum of \$2000 for any other activity.**  
 The linear delineation (e.g. bordering vegetated wetland, riverfront area, bordering land subject to flooding) of each resource area under an Abbreviated Notice of Resource Area Delineation constitutes a separate activity. The fee associated with each resource area delineation proposed under an Abbreviated Notice of Resource Area Delineation shall be determined by adding the fees for each type of resource area delineation.

**Mayor**  
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**Chief Environmental Planner**  
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Sean Macamaux

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## Conservation Commission MINUTES October 9, 2025

**Location:** Zoom. This meeting was a virtual meeting.  
**Meeting opened at:** 7:00 pm with Susan Lunin, Vice-Chair, presiding.  
**Members Present:** Susan Lunin, Leigh Gilligan, Jeff Zabel, Bob Jampol, Sean Macamaux  
**Members Absent:** Kathy Cade, Dan Green  
**Staff present:** Jennifer Steel, Ellen Menounos  
**Members of the Public:** Not recorded due to the remote nature of meeting

### WETLANDS DECISIONS

#### 1) **280 Islington Rd – Request for Determination of Applicability -- elevate hot tub deck**

Applicant/Representative: Susan Shepherd and Barry Payne

Request: Issue a negative Determination of Applicability

Proposed project summary: The owners wish to demolish a platform holding a hot tub on the ground and construct an elevated deck for the hot tub. The new deck will be the same size as the old platform.

Plans and Documents Approved:

- “280 Islington Rd, Proposed Elevation of Hot Tub Deck, 9/25/2025
- Written Proposal, by owners, September 25, 2025

Documents in packets: Site plan (highlighted)

Additional documents presented at the meeting: Site photos

Jurisdiction and Performance Standards: Riverfront Area (10.58(5)), Flood Zone (10.57)

Presentation (Staff) and Discussion.

- The 12’x12’ ground platform will be elevated to match and be attached to the existing second story deck. Fill in flood zone will be reduced. Degraded area in

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*Reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton’s ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall’s TTY/TDD line at 617-796-1089.*

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Riverfront Area will be reduced or stay the same. All performance standards are being met.

- Flood storage will be increased by virtue of removal of the deck and tub from within the flood elevation and the new deck on posts will allow water to flow under the deck.

Vote to issue a negative 2 Determination (*The work described in the Request is within an area subject to jurisdiction under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent*) and a negative 6 Determination (*The area and/or work described in the Request is not subject to additional review and approval by: Newton's Floodplain Ordinance. No OOC under the bylaw is required.*) approving the project as presented and allowing the footprint of the ground platform to be grass, gravel, pavers, or other pervious material. [Motion: Jampol, Second: Gilligan, Roll Call Vote: 5:0:0]

**2) 52 Elinor Rd – DEP #239-975 -- Minor Plan Change Request – reduce size of house, add covered deck, expand infiltration system, revise and bound planting area.**

Applicant/Representative: John Rockwood (representative)

Request: Issue a negative Determination of Applicability

Proposed project summary: The applicants received an Order of Conditions for a tear-down/re-build of a single-family home, but now wish to:

1. Reduce the footprint of the house,
2. Add a 9'x24' covered deck, and
3. Increase the size of the stormwater infiltration system.

Plans and Documents Approved:

- Plan Change Memo, Spruhan Engineering, 9/4/2025
- 52 Elinor Road, Civil Plans, Spruhan Engineering, last revised 8/29/2025 (5 pages)
- Tree/Shrub Mitigation Schematic, EcoTec, Inc., last revised October 6, 2025

Documents in packets. Site plan (highlighted)

Additional documents presented at the meeting. Site photos, revised planting plan

Jurisdiction and Performance Standards: Flood Zone (10.57)

Presentation (Staff) and Discussion.

- The proposed changes do not substantively alter the prior-approved plans and performance standards for work in the flood zone.
- On-site flood storage will still be increased (274 cf) by virtue of on-site grade changes, but a little less than the 289 cf originally approved.
- Work shall not restrict flows so as to cause an increase in flood stage or velocity. The new construction in floodplain will be on posts that will allow water to flow freely
- There was unpermitted tree cutting prior to the original filing. In the original Order of Conditions, the Commission approved an extensive planting plan. Since the infiltration system has been enlarged, that planting plan was modified so that the

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proposed trees and shrubs do not impinge on the larger infiltration system and so that the area is now fully bounded to help protect the plantings.

- Despite the increase in fully roofed area, the Commission opted to maintain the same mitigation area, since the project is in Flood Zone only.

Vote to approve the proposed changes as minor plan changes to be reflected in the required as-built plans and letters of attestation. [Motion: Macamaux, Second: Zabel, Roll Call Vote: 5:0:0]

### **3) 885 Centre St. (Boston College Law) – UPDATE on Slope stabilization and stream clean-up under the Friendly Enforcement Order -- DEP File # 239-1003**

Owner/Applicant: Boston College

Representative(s): Jeanne Levesaue, Jamie MacDonald, and the team from Walsh Brothers.

Issues:

- Slope stabilization efforts have continued per the approved plans
- Clean-up of the sediment deposited in Edmands Brook was executed as required in the enforcement order.
- Staff discovered that sediment from the failed stormwater pipe upstream of the construction site was, in fact, deposited in the upstream segment of Edmands Brook, requiring additional clean-up.

Plans and documents submitted: The team submitted revised landscape plans as required.

Documents in packets: Memos sent to BC by staff documenting progress with slope stabilization and stream clean-up.

Additional documents presented at the meeting: Site photos, videos of the stream during a heavy rain.

Jurisdiction and Performance Standards: Bank (Edmands Brook), Land Under Waterbodies and Waterways, Buffer Zone, City-Designated Floodplain.

Presentation (Staff) and Discussion.

- Slope stabilization: As of 9/26/2025, the team had removed the rip-rap that had impinged on the stream channel and had installed the anchored lowest tier of rip-rap. The new catch basin and flared-end discharge pipe above the gabion “level spreader” worked well and the slope held up perfectly in another brief but intense rainstorm. On 9/30/2025, in discussions between staff and the applicant team it was agreed that a narrow strip of rip-rap would be installed at the toe of the “expanded, softened slope” to anchor the loam that is due to be spread. It was also agreed that a seed mix with woody shrubs should be used (rather than a mix with purely vegetative species). Staff determined that Ernst Seeds sells seeds for Grey dogwood, Chokecherry, and Virginia creeper that could be added to a New England Wetland Plants seed mix such as New England Erosion Control/Restoration for Dry Sites Seed Mix. Staff wait to hear if New England Wetland Plants still carries New England Roadside Matrix Upland Seed Mix (a mix of woody and herbaceous species). By

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10/9/2025 all grading, rip-rap, loam, and jute netting had been installed. All trees, shrubs, and herbaceous plants and seed mixes had been installed and mulched.

- Clean-up required under the EO: The team removed a lot of sand and gravel by hand as per the enforcement order. On 9/26/2025, staff asked for additional removal. On 9/30/2025 staff determined that compliance had almost been achieved. On 10/9/2025 staff observed the site the day after a heavy rain. Deposition in the lower reaches was not detected. Erosion in the lower reaches was observed.
- Additional deposition requiring clean-up: On 9/26/2025, when Steel discovered that sediment from the failed stormwater pipe upstream of the construction site was, in fact, deposited in the upstream segment of Edmands Brook, she spoke with the team and noted the need for additional clean-up. The team was responsive and agreed to undertake the work. On 9/30/2025 staff and the team walked the site and made a plan for a single point of access for a small bobcat to enter the now dry stream bed to remove log jams and accumulated sediment. Spoils will be stockpiled in the composting area at the base of the failed pipe slope. Erosion controls will be installed above the culvert at the beginning of the daylighted portion of Edmands Brook. On 10/2/2025 staff noted that the stream channel had been nicely re-established as a trapezoidal channel with sloped banks. Staff asked the team to consider ways to stabilize the banks. On 10/9/2025, the day after a heavy rain, some new deposition of sand and some eroded “potholes” were observed. The team agreed to add a thin layer of stone and three check dams to limit future erosion and deposition.

Vote to have staff issue a memo closing the “friendly Enforcement Order”, noting completion of all initial requirements. Cc MassDEP. [Motion: Gilligan, Second: Zabel, Roll Call Vote: 5:0:0]

Vote to have staff issue a memo summarizing the completed clean-up of the recently deposited material in the upstream reach of the stream and the final tasks of stabilization required. [Motion: Gilligan, Second: Zabel, Roll Call Vote: 5:0:0]

**4) 1 Malvern Terrace – Enforcement Order -- DEP File # 239-808 – Minor Plan Change Request – window wells, revised planting plan**

Owner/Applicant: Mandayam Srinivasan

Representative(s): John Rockwood, EcoTec, Inc.

Issues:

- Site erosion controls are not in the correct location and are not entrenched
- Site conditions deviate from the originally approved plans -- window wells, deck, stair expand degraded area over and above what was permitted and what the mitigation planting plan mitigates for
- Final future conditions were not clear

Plans and Documents Received: Foundation as-built, existing and proposed conditions, calculations of approved and proposed degraded areas, as required

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Documents in packets. Chronology of site plans, recent submission of existing and proposed conditions

Additional documents presented at the meeting. Site photos

Jurisdiction and Performance Standards: Riverfront Area, Bordering Land Subject to Flooding, Bordering Vegetated Wetland, Buffer Zone to BVW

Presentation (Staff) and Discussion.

- In May of 2015, this project received OOC 239-726 as an addition to a single-family house. The project became a tear-down/re-build. The permit lapsed.
- In August of 2018, the Commission issued OOC 239-808 based on the same application and plans.
- In November of 2022, the Commission issued a 3-year extension to 11/14/25, with all the original conditions remaining in place, contingent upon the signing and execution of a Memorandum of Understanding with the following additional conditions:
  - To mitigate for the death of the spruce tree at the rear of the house, the applicant shall install 3 additional native canopy trees that are water-tolerant (such as red maple, tupelo, or willow) at the rear of the property (species and locations to be determined in consultation with Conservation staff.)
  - The mitigation planting area approved in the Order of Conditions must:
    - Be installed under the direction of a qualified wetland consultant, in order to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.
    - Be bounded, as shown on the plans, with bounds that: (1) are 4"x4"x36" stone or concrete post, (2) have instructive language regarding the required protection, (3) have at least 6" maintained above grade, and (4) are placed at every boundary corner and never more than 20 feet apart.
    - Be managed to control/minimize invasive species. If herbicides are used, manufacturer's recommended directions must be followed.
- In September 2025, the Commission issued an Enforcement Order due to unpermitted changes on-site, a lack of clarity about proposed final conditions, and failed erosion controls.
- Staff noted changes to the regulatory environment since the issuance of the original OOC in 2018.
  - The FEMA flood elevation is now 38.9' NVD88 (1 foot higher than is shown on the approved plans).
  - The Commission's policy on mitigation planting areas now requires 4:1
- Staff noted issues in other departments' purview, such as:
  - The need for proper connections of downspouts to the infiltration chambers
  - Construction in (and ensuring the integrity of) the City's storm drain easement.

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- Staff shared a compiled chronology of plan changes submitted to other City departments after the Commission's 2018 approval. Changes include:
  - The modification of stormwater chamber layout, the modification of the back wall, the addition of a curved bump-out on the front wall, and the addition of 8 window wells (approved by Engineering)
  - The addition of 2 more window wells (approved by ISD)
  - The addition of more chambers (approved by Engineering)
- In response to the enforcement order, the applicant provided a plan and calculations showing:
  - Current as-built conditions. Staff concurred with the accuracy of the information shown.
  - Proposed conditions. Staff noted:
    - In addition to showing all the extant (and proposed) window wells, the driveway has been reduced in scale, the front walkway modified, a side walkway added.
    - The proposed deck is larger than the deck on all other plans.
    - The curved area in the front of the house was not on the ConCom approved plans, so ~20 additional sf should likely be added to the "proposed degraded area calculations".
- The owner noted that the blue pipes in the photos were part of the French drain/groundwater infiltration system.
- The owner noted that the downspouts were due to be connected to the roof drain system that had not yet been installed.
- The originally approved degraded area was 1,300 sf and originally approved mitigation area was 2,700 sf. The new proposed degraded area is now 1,500 sf, so the mitigation area will need to increase accordingly. Additionally, there is an MOU that requires 3 additional saplings be planted.
- John Rockwood noted that invasive control efforts had been initiated that morning. The team cut (and will blot) buckthorn, false indigo, and misshapen ash. Brambles were cut and will be allowed to resprout. 20 saplings (oak and ash) were saved along with silky dogwood and buttonbush.

#### Next steps.

- The owner will, immediately, install erosion controls in the location shown on the approved plans.
- John Rockwood stated that he will compare the new degraded area numbers with the originally approved degraded area numbers, and propose the scale of a modified mitigation planting area that would be a bit more than 2:1.
- Once the Commission has approved the aerial extent, Rockwood will:
  - Create a modified planting plan,
  - Address on-going invasive control, and
  - Locate the saplings required by the MOU.
- Staff will draft a memo for the file from the meeting minutes.

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**5) 288 Mill St – COC Request – single family home demo/construction -- DEP File # 239-0888**

Owner/Applicant: Erik Nedeau

Representative(s): Self

Request: Issue a Certificate of Compliance.

Plans and documents submitted: plant list and planting plan

Documents in packets: Approved site plan and conditions, existing conditions site plan

Additional documents presented at the meeting: site photos

Jurisdiction and Performance Standards: Buffer Zone, Riverfront Area

Staff Notes: The 8'x8' mudroom that is mostly outside the Riverfront Area conforms with the administratively approved proposed plans. A site visit confirmed that two large areas of native species have been planted (totaling ~815 sf), flagged, and fenced. The total area exceeds the 770 sf requirement, the number of native plants exceeds the requirement, and some of the plants have surpassed the 2 growing season survival requirement, but replacements were made due to browsing, additions were made, all are now fenced, so many require an additional year to meet the 2-season requirement. Staff have put a note in the calendar to take this up in the fall of 2026.

**6) 148-152 Pine St (formerly 150 Pine St.) – COC re-sign – single family home demo/construction – DEP File # 239-0856**

Owner/Applicant: Jesse Betzner (#150) and Tony Hollenberg (#152)

Representative(s): Self

Request: Re-issue a Certificate of Compliance.

Plans and documents submitted: As-built site plan 5-23-2022

Documents in packets: none

Additional documents presented at the meeting: site photos

Jurisdiction and Performance Standards: Buffer Zone

Staff Notes: The original Certificate of Compliance was never recorded. A site visit confirmed that the site remains in compliance.

Vote to issue a complete Certificate of Compliance. [Motion: Gilligan, Second: Zabel, Roll Call Vote: 5:0:0]

**OTHER DECISIONS**

**7) Minutes to be approved**

Documents in packets: Draft 9/18/2025 minutes reviewed by Leigh Gilligan

Vote to approve the 9/18/2025 minutes. [Motion: Gilligan, Second: Jampol, Roll Call Vote: 5:0:0]

Volunteer: Who will volunteer to review the 10/9/2025 minutes? Leigh Gilligan

**UPDATES AND DISCUSSION**

**8) Reminder -- MACC Fall Conference – October 25, 8am - 3:30pm), Devens Common Center**

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**MATTERS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE OF THE MEETING**

**9) 33 Staniford St. – COC request – observation deck and mitigation area – DEP File # 239-876**

Owner/Applicant: Zaid Ashai

Representative(s): Self

Request: Issue a Certificate of Compliance.

Plans and documents submitted: As-built site plan 7-21-2025

Documents in packets: none

Additional documents presented at the meeting: site plans, site photos

Jurisdiction and Performance Standards: Buffer Zone

Staff Notes: The deck, stone walkway, invasive removal, and native plantings are all in compliance.

Vote to issue a complete Certificate of Compliance. [Motion: Jampol, Second: Macamaux, Roll Call Vote: 5:0:0]

**10) Jenny Bahtnagar (BU professor) doing research in Webster Conservation Area** – her work was written up in an article shared by staff that notes the health challenges that urban trees face compared to their rural counterparts.

**11) Bob Mallard (Native Fish Coalition) has found native fish in Cold Spring Brook and the Cemetery Ponds. He would like to do an inventory of the City Hall Ponds.** Commissioners were supportive and concurred that the survey techniques he described (non-lethal minnow traps and nets under a Scientific Collection permit issued by MassWildlife) would not require a wetlands permit.

**12) Staff Presentation to Public Facilities Committee of the City Council on Groundwater, Stormwater, and Flooding.** Steel’s presentation on 10/8/2025 was well-received. She shared a few slides with the Commission.

**PUBLIC COMMENT.** none

**ADJOURNMENT.** 8:43 [Motion: Macamaux, Second: Zabel, Roll Call Vote: 5:0:0]