

**Brookline Conservation Commission Meeting Minutes**  
**Tuesday, January 25, 2022, 7:00 PM**  
**Zoom Virtual Conference**

**Commissioners Present:** Marcus Quigley (Chair), Roberta Schnoor (Vice Chair), Werner Lohe, Sam Burrington, Will Corrdin, Pallavi Kalia Mande, Marian Lazar (Associate)

**Commissioners Absent:** Pamela Harvey

**Staff Present:** Tom Brady (Conservation Administrator), Katie Weatherseed (Conservation Assistant), Alexandra Vecchio (Director of Parks and Open Space)

**Guests:** See attached.

**AGENDA REVIEW/MINUTES**

M. Quigley called the meeting to order. There were no modifications to the agenda. The Commission reviewed the minutes from December 14, 2021.

*W. Lohe made a motion to approve and accept the minutes. R. Schnoor seconded. All in favor.*

**CONTINUED PUBLIC HEARING FOR THE NOTICE OF INTENT FOR 35 GEORGE LANE**

T. Brady stated that during the first public hearing, the applicant was asked to share photos of the site with the Commission. The Commission discussed the photos and observed that some alteration may have taken place without proper authorizations and permitting. M. Quigley put together a sequence of Google Earth imagery spanning the last six years which showed that there was an alteration. A series of discussions have taken place between T. Brady and the owner's representative. T. Brady stated that if anyone from the public was present to discuss this public hearing, they can raise their hand and speak if desired. There was no comment from the public.

T. Brady shared that the previous consultants on the project have stepped away from their role. He stated that he believes the next step should be to put the hearing on hold and issue a formal Enforcement Order, noting that it appears that alterations have taken place without review or permission. The Enforcement Order should require the filing of a Notice of Intent, the development of a restoration plan, and the submission and approval of said restoration plan before any further action takes place. The property owners have been notified of this proposed course of action. T. Brady also noted that he has spoken with Town Counsel regarding this matter, and they are in concurrence that these are appropriate next steps. He added that he recently received an email from an ecological firm with a first draft of a restoration plan. He reviewed the plan and spoke with the firm – they came to the concurrence that it would not be a good use of time to put this in front of

Commission on such short notice. T. Brady shared the Google Earth imagery with the consultant, and asked them to do a further analysis of the square footage of what was altered versus what was proposed to be replaced. Some observations were made on the sizes of the plant material that were initially proposed, and the consultant now plans on revising the plan prior to submitting it to the Commission.

The consultant formally requested that the hearing be continued and has provided a written acknowledgement stating that the applicant anticipates receiving an Enforcement Order from the Commission as part of the process to rectify the actions that have taken place on site. He asked if there was any comment from the Commission or public. M. Quigley thanked T. Brady for his work.

T. Brady stated that he has drafted an Enforcement Order for the Commission's review. M. Quigley asked whether there was acknowledgment by the owners and/or others that substantiate any of the information the Commission had collected. T. Brady responded that there is clear acknowledgement from both the previous consultant team and the new consultant that alteration has taken place, as well as the general timeline in which the work took place. The discussion at the moment is the extent of the square footage of alteration, as well as the best path forward. W. Corrdin asked whether the Google Earth imagery is recognized as evidence to substantiate an Enforcement Order. T. Brady replied that it is not. T. Brady shared the Enforcement Order with the Commission and noted the required actions to be completed by February 15<sup>th</sup>. T. Brady stated that the consultant had asked whether it would be possible to address the issue under the current Notice of Intent. T. Brady noted that he would prefer to have two separate Notices of Intent, but would defer to the Commission's wishes. W. Lohe agreed that two separate Notices of Intent would be most appropriate.

*W. Corrdin made a motion to ratify the enforcement action. R. Schnoor seconded. All in favor.*

*P. K. Mande made a motion to issue the Enforcement Order. S. Burrington seconded. All in favor.*

The Commission gave permission for Conservation staff to use electronic signatures on the form to indicate their votes of approval.

*P. K. Mande made a motion to continue the public hearing to February 15<sup>th</sup>. W. Lohe seconded. All in favor.*

**PUBLIC HEARING FOR THE NOTICE OF INTENT FOR 25 SEARS ROAD FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOUSE AND ASSOCIATED SITE WORK, SUBMITTED BY ECOTEC, INC. ON BEHALF OF THEIR CLIENT, C. STUMPO DEVELOPMENT**

T. Brady stated that the Commission were sent the electronic Notice of Intent package for their review. He stated that he first looked through the application when it was submitted and noted that everything looked well prepared and complete. However, he looked through the application again recently and noticed that while the map from the Assessor's Database included abutters along Lee Street, the associated abutters list did not include these properties. He stated that he feels poorly that his office did not catch this error sooner. He proposed to open the hearing tonight and have a discussion about the application, but to then continue the hearing to February 15<sup>th</sup> and repeat the information shared here tonight so that other abutters can hear the information and present their questions and comments.

Don Gentile stated that Scott Jordan, wetland scientist from EcoTec, Inc., believes the map may show a 300-foot buffer and the list only includes abutters within 100-feet. T. Brady stated that that's an interesting thought – it would still indicate a technical glitch, but he will bring it back to the Assessor's Office and discuss the matter further with them.

D. Gentile, attorney from Jeffrey Allen's office, introduced himself and stated that he is appearing on behalf of the applicant. He added that Verne Porter, project engineer, is also in attendance, as well as S. Jordan from EcoTec, Inc. He stated that V. Porter will give the Commission an overview of the project. He noted that this property should be familiar to the Commission because it was the subject of an Order of Conditions that was issued in 2019 for a single family house.

V. Porter, land surveyor and civil engineer, stated that he was representing C. Stumpo Development for the construction of a home at the end of Sears. He noted that the property has a common driveway special permit so all lots have shared access. One lot is under construction now. 25 Sears Road is located at the end of the private driveway and the house has been pushed to the east and north as much as possible, noting that the setbacks are 50 feet from both lot lines. He stated that they have intentionally put the house as close to those lot lines as possible to keep the work away from the wetlands. He stated that his office has provided a site plan with grading. The site is almost entirely ledge, although there are some trees that have managed to grow around the ledge.

The site plan was shared on the screen, and V. Porter noted that the area highlighted in green is proposed to be landscaped when construction is complete. The wetland is highlighted in blue, and the 100 and 150-foot buffer zones have been delineated with red and yellow lines. He identified the 'limit of work' line on the plan. The applicant is proposing to build a house at the end of the drive - the drive would extend toward the house and access the proposed garage. V. Porter stated that most of the site is exposed ledge, which means that all stormwater currently runs off site. By developing the site, leveling the yard and adding 14,000 square feet of landscaped area, there will be a reduction in runoff and the proposed building will not increase the amount of water going toward the wetland area. Due to the ledge, there is no place to put drainage in the ground. Stormwater will be directed into the

proposed private drive's drainage system, which includes a series of swales and forebays, where it will then be directed into the system in place for the road. V. Porter indicated that he included a walkout at the west end of the property to limit site work. Lastly, he stated that there is steep ledge on the 100-foot buffer line which will act as a limiting factor to ensure activities do not encroach into the 100-foot wetland buffer.

M. Quigley thanked V. Porter and noted he feels it would be appropriate to pause the hearing at this point. T. Brady reminded the Commission of their visit to the site several years ago, and M. Quigley stated that additional conversation is needed to discuss blasting, etc. V. Porter stated that they would have to blast, as the entire site is ledge.

T. Brady asked if there were any questions from the public. Glenn Johnson, a butter from Dale Street, stated that he loves the location, particularly the feeling of being so close to nature. He stated that he has several questions regarding the Notice of Intent and inquired if he should ask those questions this evening or wait until the continued hearing. T. Brady stated that if it is OK with the Commission, he would prefer to answer questions at the next hearing so that everyone can be present to hear the questions. It was determined that if there are any questions or comments from the public, they should feel free to submit them via email, so that staff can then pass them along to the applicant team. Byron Anderson, a butter from Lee Street, asked what email address he should send questions to. K. Weatherseed provided her email in the Zoom chat box. He also asked if he is not able to attend the follow up hearing in February, how he will get the answers to his questions. T. Brady stated that once the questions are answered in the hearing, they will be reflected in the minutes as part of the official record. However, if there are questions that can be answered prior to the hearing, he does not see any reason to prevent dialogue via electronic communication between the applicant team and the public. He stated that he will work to facilitate that through our office.

T. Brady apologized again for not catching the abutters issue earlier, and stated that his office will draft some preliminary conditions for the Commission's consideration so the hearing can stay relatively close to the originally anticipated timeline.

*R. Schnoor made a motion to continue the hearing to February 15th at 7:20 PM. P. K. Mande seconded. All in favor.*

### **DISCUSSION OF PROPOSED MINOR MODIFICATION FOR DEP FILE NUMBER 120-172, 292 WARREN STREET**

T. Brady stated that this is regarding the pervious driveway that extends towards the house. This is a proposed modification to the surficial treatment of the roadway, and it was enough of a proposed change that he wanted the Commission to have the opportunity to ask any questions.

Gene Crouch, senior environmental scientist for VHB, introduced himself and stated that his team did the original permitting for this project. He shared his screen and showed the Commission the site plan that was originally filed as part of the Notice of Intent and approved by the Commission. He pointed out several features of the property, including the stream, Warren Street, and the location of the original driveway. He noted that the driveway was relocated because the property owners wanted a more circuitous and attractive drive. When originally filed, the plan involved the installation of porous pavement. However, the owners ultimately decided that they did not like the look of the porous asphalt and G. Crouch has developed a different kind of treatment using granite block pavers as a porous paver for the project. The proposed granite matches the granite that is used as an accent around the property itself. The porous pavement extends down a hill, so there was a slight concern that the water under the driveway would accumulate at a low point near Warren Street and could possibly leach out of the pavement and freeze. For this reason, a small detention basin was proposed off to the side where water could spill off instead of leaching back up through the driveway. He stated that he recently got approval to replace the surface detention basin with an underground infiltration system, which has now been installed. He showed the Commission where the plastic arch infiltration chambers were installed within a stone bed, and noted that this area has been landscaped.

He then shared a plan illustrating the proposed placement of granite pavers under the driveway. He stated that the stonemason was a little concerned about installing these pavers in the steep portion of the driveway, and suggested installing concrete bridges/bars that would help lock the pavers in place so that they would not shift. He noted that the granite pavers would be small sections of impervious area – 6 pavers, each one 3 feet wide, would be installed about 20 feet apart from one another. He added that the driveway has been reduced from 12 feet wide to 11.5 feet wide, so it is a little narrower than originally approved. He shared a cross section of the porous driveway, showing the granite blocks, which would be bedded in a number eight washed aggregate (a very porous, coarse material) so that water can easily infiltrate through the cracks between the granite blocks into the reservoir beneath. The proposed gap between pavers is  $\frac{3}{4}$  of an inch. He noted that when the concept of porous paving was originally developed, it was determined that the porosity of the blocks were not nearly as important as whether water can move through the gaps between the blocks.

He then showed a cross section of the granite blocks with the concrete underneath for the steeper section of the drive. The granite would be cemented to the concrete underneath so that it cannot move, creating an anchor for the adjacent granite blocks on either side. The concrete block does not go down to the bottom of the reservoir, so it does not impact water storage. He noted that there is also a drain line that was designed along the side of the driveway so that water can move laterally along the drive. He added that underneath the driveway, there are barriers which function almost like check dams, to prevent water from rushing down to the bottom of the hill. It allows the water to infiltrate so it can be conveyed into the infiltration

chambers at the bottom of the drive. He asked if there were any questions from the Commission.

P. K. Mande asked how much water will be directed toward the infiltration chambers and whether there was there a certain drainage area that the chambers were sized for. G. Crouch responded that the chambers are connected to a perforated pipe which runs along the side of the driveway. The chambers were designed to accommodate drainage for the entire driveway. If the system were to get overwhelmed, there is an emergency outlet that would allow excess water to bubble up through a grate. P. K. Mande inquired if there is any sheet flow coming from the driveway and the landscaped area south of the driveway. G. Crouch responded that the steep area is heavily vegetated. T. Brady noted that the Commission requested this planting in the Order of Conditions. The Commission discussed what would happen if the driveway system fails, and ultimately agreed that the perforated pipe would catch the water.

M. Quigley asked if G. Crouch could speak to the differences in maintaining porous granite block infiltration rates versus porous asphalt, and what his client has committed to from an operations and maintenance plan perspective. G. Crouch responded that when you have granite blocks, you can potentially have issues plowing it and catching the blocks and causing damage. He stated that the owners do not use the driveway when there is snow and they will not plow it or treat it with icing agents or sand. Normally with porous product like this, it needs to be vacuum cleaned to get the fine grit and material out that would normally affect infiltration rates. The gaps in the granite pavers are  $\frac{3}{4}$  of an inch so won't clog easily. M. Quigley asked whether the Commission would need to modify the original order of conditions or maintenance plan to take note of the winter maintenance. T. Brady stated that it would be helpful if G. Crouch could send the Conservation Office communication that it is the intent of the property owner to discontinue use of the driveway during the winter months. R. Schnoor asked what would happen if the property is sold and this information is not in the Order of Conditions. T. Brady responded that the nature of the driveway makes it difficult to maintain during the winter. From a practical standpoint, the owners will utilize the driveway on the other side, since it is flat and fairly level. He discussed what he envisions might happen if sand and icing agents are applied, and ultimately stated that his professional opinion is that it does not require an amendment to the Order. R. Schnoor also asked about the six concrete bars under the driveway, and noted that while she appreciates that they don't go down the full depth of the chamber, she wonders whether they may still cause enough disturbance to result in a failure of the driveway. G. Crouch replied that there is eight inches of heavy crushed stone, which is a substantial driveway base. The stone is so large and the voids are so great that water will move very easily and rapidly around the stone, so the reservoir underneath won't fill up with water to the point where it's filling up against the concrete. The perforated pipe down the side is also going to give water a means to get around and pass the concrete. M. Quigley asked whether there are enough check dams to control the velocity of the water. T. Brady suggested that there were around

6-8 check dams. G. Crouch stated that he'd need to check. M. Quigley asked if there were any comments from the public – there were not.

*P. K. Mande made a motion to approve this minor modification. W. Corrdin seconded. All in favor.*

## **DISCUSSION OF CPA COMMITTEE CONSERVATION COMMISSION REPRESENTATIVE**

T. Brady stated that his office received a message requesting that the Chair or their designee serve on the CPA Committee. M. Quigley asked if T. Brady could share a little bit of information about the required commitment and the structure of the committee. T. Brady responded that it won't be an onerous commitment, and based on CPA Committees in other communities, would likely be around a 12-16 hour commitment over the course of a year. He noted that that number may be different in Brookline. A. Vecchio, Director of Parks and Open Space, added that the CPA Committee in Concord met 18 times last years, so the designee should expect to attend at least two to three meetings prior to each town meeting. A. Vecchio stated that the Committee will focus on identifying funding that is available and creating a plan on how to distribute the money amongst various projects and interests.

P. K. Mande asked whether it would be a consultant developing the plan with the Committee advising, or whether staff would be developing the plan. A. Vecchio responded that staff would be pulling this together and noted that there has been discussion of potentially hiring a part time staff person specifically to manage CPA. T. Brady added that the broad structure of the roles of the CPA Committee is already determined by legislation, including specific parameters the committee needs to follow. M. Quigley asked if there was anyone on the Commission interested in serving as the Conservation Commission designee. Both P. K. Mande and S. Burrington voiced interest. P. K. Mande noted that she is also the Conservation Commission's representative on the Zoning Bylaws Committee and discussed her experience serving on that Committee. R. Schnoor stated that it would be great if all the Commissioners could find areas in which there were interested in being advocates. M. Quigley stated that the Commission should think about having more active rotations for their designees. M. Quigley noted that he would love to accelerate conversations with the Engineering Division regarding green infrastructure opportunities. T. Brady stated that he can organize a meeting with the new Water and Sewer Director, as well as the new Engineering Director. A. Vecchio noted that green infrastructure is a high priority for both herself and the Commissioner, and added that they have submitted an ARPA funding request around some planning efforts to map out green infrastructure opportunities throughout Town.

*P. K. Mande nominated S. Burrington to serve as the Commission's designee on the CPA Committee. R. Schnoor seconded. All in favor.*

### **MUDDY RIVER UPDATE**

T. Brady stated that work continues on the Muddy River project. Material is moving and discussions with the Army Corps of Engineers continue. He added that the City of Boston is leveraging funds originally designated for the environmental portion of the project to pay for the removal of phragmites, and T. Brady has been engaging in similar discussions for Brookline. He stated that he is hoping to come to the Commission with an amendment to the existing Notice of Intent to do this additional work. T. Brady stated that he is having to get creative with funding sources. P. K. Mande and T. Brady discussed the possibility of seeking additional funding from the state for this work.

### **STAFF UPDATE**

T. Brady stated that he's received some inquiries from the Friends of Lost Pond about the rising water levels that can be seen across the community and the impact on paths in the sanctuary. The Town is putting together boardwalk cost estimates and alternative measures to make the pathways walkable.

T. Brady stated that the USGA will be submitting a Notice of Intent for work associated with the U. S. Open soon and discussed some of the proposed work at Allendale Farm, Pine Manor College, and the Putterham Meadows Golf Course.

T. Brady stated that the house on Cottage Street was sold so the Conservation Restriction has to be amended to include the new owner.

T. Brady stated that activity will be taking place in Leverett Pond after February 1<sup>st</sup> for the sandbar and dredging outside of the outfall.

### **ADJOURN**

*P. K. Mande made a motion to adjourn. R. Schnoor seconded. All in favor.*

Minutes prepared by K. Weatherseed