

Brookline Conservation Commission Meeting Minutes
Tuesday, February 15, 2022, 7:00 PM
Zoom Virtual Conference

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

Commissioners Absent: None

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 January 25, 2022.

R. Schnoor made a motion to approve and accept the minutes from January 25, 2022. P. K. Mande seconded. P. Harvey abstained. All others in favor.

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

M. Quigley gave a brief summary of the Notice of Intent and noted that there was an issue identified around past encroachment within the buffer zone and an enforcement action was issued relative to that encroachment. He stated that the applicant has requested that the hearing be continued to the Commission's meeting on April 12, 2022 at 7:05 PM.

R. Schnoor inquired about the required restoration plan that was discussed at the previous public hearing. M. Quigley responded that there will be a separate Notice of Intent filing for the restoration work. T. Brady agreed and stated that the applicant has filed a separate Notice of Intent for the proposed restoration activities which will be discussed at the Commission's next meeting.

P. Harvey made a motion to continue the public hearing to April 12, 2022 at 7:05 PM. W. Corrdin seconded. All in favor.

MUDDY RIVER UPDATE

T. Brady stated that work continues to progress on the Muddy River Project. He added that he has been gathering additional information from the Army Corps of Engineers on additional possible actions for review.

T. Brady stated that there is a boom in front of the outfall that discharges from Leverett Pond. He received a query from one of the Muddy River Management Oversight Committee members on whether or not the boom should be removed. T. Brady stated that, given the number of spills in the area and the fact that more dredging is to take place, he would recommend that the boom remain in place until the dredging and bridge work is complete.

STAFF UPDATE

T. Brady stated that the United States Golf Association has submitted a filing for the installation of a new temporary bridge at Putterham Meadows, as well as ancillary impacts associated with the U. S. Open, and the Commission will be receiving those materials soon.

T. Brady stated that construction activities at Larz Anderson Park have shut down for the year and work has been completed on the water control structures. The Country Club continues to keep Conservation staff in the loop regarding all updates concerning the U.S. Open.

He stated that staff are working to upload the Regulatory Stream Map to the Town's website.

T. Brady stated that there has been a series of discussions between Brookline, Newton and Boston about the MBTA installing additional signal infrastructure on their tracks. The MBTA has asserted that they are exempt, and Boston, Newton and Brookline have investigated that assertion to ensure it is correct. He added that the work will happen this spring as part of the Automatic Safe Train Stopping System. He confirmed that there are no big structures to be installed, just additional sensors, etc. P. K. Mande stated that there's also some work that is being undertaken (currently at the planning stage) for the C line along Beacon Street. T. Brady added that a great amount of work has been completed on Beacon Street pertaining to signal work and pedestrian improvements.

P. Harvey stated that she attended Brookline GreenSpace Alliance's winter tree walk on Sunday and stated that T. Brady did a great job and a good crowd of people attended.

T. Brady stated that the Commission received communications from the neighbors regarding the Notice of Intent for 25 Sears Road, and wanted to note that many of the questions do not fall within the jurisdiction of the Commission.

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

M. Quigley stated that the last public hearing was more so an informational session that provided some background on the site and the proposed work. He noted that T. Brady received some correspondence from neighbors which has been forwarded along to the applicant so they can address the issues and concerns that are relevant to this hearing.

Don Gentile, of Jeffrey Allen's office, introduced himself. He noted that his team had presented before the Commission at their last meeting and reviewed the concerns that were noted regarding the abutters list provided. He stated that it was concluded that the abutters list was correct. He stated that Verne Porter, Civil Engineer, and Scott Jordan, Wetlands Consultant from Eco Tec, Inc., are in attendance tonight. He stated that he received questions from an abutter and invited the Commission to ask any questions about those comments.

V. Porter gave a summary of the project. He stated that the proposed work involves the construction of a single family home and noted that two of the homes within the development have already been constructed, and a third home is under construction. He provided an overview of the site plan, and identified the buffer zones, the proposed house, proposed grading, property access, and retaining walls. He stated that once the work is completed, the 100 foot buffer line will be the limit of the proposed yard and anything beyond that buffer zone that is disturbed will be naturalized. The site is entirely ledge. He explained that the proposed drive would pitch down to direct water towards the existing system. The roof runoff will be put out onto splash blocks and directed into the yard. Since the work requires the installation of lawn and reducing the amount of impervious surface on site, the runoff that is directed towards the wetland will arrive a lot slower. He stated that a previous submission had also proposed the construction of a single family home, and this new plan positions the building closer to the private drive and is therefore less intrusive than the previously proposed structure. He added that it is a similar location and size from the pre-existing approved plan.

P. K. Mande inquired if the contours shown on the site plan are existing or proposed. V. Porter responded that both are shown on the map and identified which are which. She inquired about the proposed grading work on the side of the house closest to the wetland. V. Porter responded that that area is being filled and described a proposed retaining wall, which would "die into the grade". M. Quigley inquired about the height of the retaining wall. V. Porter stated that the highest point would be 8 feet tall and the wall measures approximately 30 feet long. The purpose of the wall is to flatten out an area so that there can be a yard. V. Porter discussed the patio and stated that there is not a lot of grade change proposed around the house.

M. Quigley inquired about the elevation of the basement and whether it is a full basement. V. Porter responded that the floor of the basement is at 217.5 and the basement does not extend under the garage or patio. M. Quigley inquired about the need for blasting for this project – how much material is being taken out, what are the means and methods, and how much blasting is required to get utilities into the

property. V. Porter stated that the project would require blasting, and stated that he anticipates drilling around the house. He stated that the blasting would follow all Town of Brookline and State of Massachusetts requirements and regulations. He stated that as the sewer, water, gas and other utilities are extended, the utility trenches would need to be drilled, blasted or hammered. He anticipates that construction will utilize a track machine drill to grade the location where the house will be located. He stated that the east corner of the house, in particular, would need to be lower.

M. Quigley inquired whether there were alternative designs considered that respected the existing landscape of the site. V. Porter responded that the architect had the site plan when designing the project, and his team made some accommodations to meet existing grade wherever possible. V. Porter emphasized that it is a challenging site.

W. Lohe stated that V. Porter mentioned gas utilities, and asked why the house wouldn't be built all electric. V. Porter responded that the house would be built without gas, but there is gas available for the house. M. Quigley asked how much material it to be taken out of the site. V. Porter responded that he can find out. P. Harvey commented that it looks like the house could be moved further away from the buffer zones. V. Porter responded that the house has been placed in the corner of the site as much as possible. He noted that the property's setbacks are 50 feet. P. Harvey stated that some of the letters submitted discussed the additional water present in the area and concern about how this project might affect that. She asked if V. Porter could speak to those concerns. M. Quigley added that he had that same question, and noted that it seems that from the overall development, there has been an increase in the total volume of water flowing into the wetland system. He asked if V. Porter could speak to the stormwater system. V. Porter responded that stormwater is directed down the road, through forebays that run along the roadway, into several catch basins and is then directed to a detention basin on Lot 17, and ultimately directed into the wetland area. Once it gets to the wetland area, there is an outlet structure in that wetland that ties into the Town's storm system. If there is more water entering the resource than usual, the outlet structure will prevent any significant rise in the elevation of the wetland area. M. Quigley asked how the stormwater facility (in the northwest corner of the site) has been functioning. V. Porter responded that it has been functioning well. There are no overflows on the system, but a large, robust drainage system under the driveway of #21 Sears Road. There is a detention basin that directs water towards the wetland system. He gave some more information on the outlet structure in the wetland, and discussed the contours of the other properties around the resource.

R. Schnoor stated that the standard the Commission must enforce is that the applicant should strive to maintain the landscape within the buffer zone in its natural state, and she noted that the proposed work constitutes a substantial alteration. She added that she is concerned about the disturbance to the hydrological balance of the site. She stated that the plan also proposes the removal

of 68 trees, and while she recognizes that the roots are growing into ledge, they are still providing functions and values. She voiced concerns about the impacts of flattening the site and adding lawn. She asked whether peak flows were computed from one location. V. Porter responded that it is common practice to measure peak flows at the point where water would be most likely to go. R. Schnoor asked whether that would be an accurate way of understanding the hydrology of the site. V. Porter stated that most of the water does go towards that point, and this is a basic practice, but an accurate practice.

P. K. Mande inquired about alternative designs considered and wondered if there is an opportunity to build a house parallel to the contours to limit disturbance. M. Quigley agreed and inquired whether the purpose of the retaining wall is only to support the creation of a yard. V. Porter responded that that is correct, but added that the homeowners will need some yard.

S. Burrington inquired whether the consultant team could simplify the layout of the drive to provide more lawn outside of the buffer zone. He added that an abutter made a good comment about the quality of the runoff into the wetland, and whether different types of fertilizers used could impact the resource. M. Quigley asked if a more naturalized site design is something that the applicants have considered. V. Porter responded that the homeowners need some usable outdoor space, but stated that he could naturalize some of the area. He stated that he has proposed naturalizing everything from the retaining wall towards the wetland following any disturbance. V. Porter stated that the house as it is proposed is relatively compact and is further away from the wetland than the previously proposed structure. He stated that he could remove some of the proposed lawn and naturalize some of that area. He also noted that the Commission may draft a condition that the homeowners cannot use fertilizers or harmful chemicals that may adversely impact the wetland to treat the lawn.

D. Gentile added that his team is open to these conditions, and emphasized that the site is very constrained by zoning. He stated that his team has considered the Order of Conditions that was issued for the site in 2019 and has made a conscious effort to improve upon that plan. He noted that the house is oriented as far away from the wetland as possible.

Paul McManus, EcoTec, Inc., stated that the design of the site is intended to slow water entering the resource area. He added that whenever water passes through soil, there is microbial build-up (he added that this is how septic systems function). He stated that his team will provide a specification for the re-naturalization of the area within the 100 foot buffer zone where there is work proposed to build a retaining wall. He said that with that work, there will be essentially no change to the 100-foot buffer zone and all existing conditions will be maintaining with the small exception of the area between the limit of work line and the 100 foot buffer zone, where there is some temporary alteration proposed. The runoff characteristics will be maintained.

P. K. Mande suggested that the proposed design could be altered to move the house further away from the resource area. She inquired why the applicant has chosen a design that requires the construction of a retaining wall and the addition of fill. V. Porter stated that the retaining wall and the fill as proposed would actually cause less disturbance to the resource, and noted that building on the area closer to the property line would require substantial blasting and tree removal. M. Quigley stated that maybe the misconception is that there is a presumption that this lot is appropriate for a large flat lawn. He stated that he would be interested in looking at alternative designs in regards to the layout of the lawn area and the circular drive area.

D. Gentile stated that he is the chair for his local Conservation Commission and that with most projects, his Commission is primarily concerned with erosion and runoff into the wetland. The design proposed reduces the instance of erosion that would happen under the natural circumstances and slows down runoff. M. Quigley responded that the Commission has done a site walk of the property, and noted that the site isn't just composed of exposed ledge, and there are small areas of depression and forested areas with significant values and functions. He stated that while he doesn't disagree about peak discharge, the beauty of this lot is its natural setting, and noted the probable purpose of the walkout basement is to enjoy that setting. He stated that he believes there is an opportunity to blend what is respectful to the buffer zone with site design.

V. Porter stated that the walkout basement was his idea and that he agrees that its purpose is to allow the homeowners to enjoy the natural landscape. He stated that he is happy to consider reducing the amount of lawn in the 150 foot buffer zone, and stated that he could naturalize some of the area beside the driveway. V. Porter discussed some potential adjustments he could make to the site plan to allow for additional naturalization.

V. Porter stated that 1,100 yards of material is to be blasted, but the materials will be staged in the front of the house to try and minimize disturbance. He also added that the applicant could potentially present a more detailed landscape plan and noted that the developer will be planting trees. He stated that due to the kind of work that will take place, it is challenging to identify exactly where trees can be planted in advance (due to the ledge). He suggested planting the front area between the driveway and wall which is currently proposed as lawn. He noted that the existing trees are considerably stressed because they don't have much of a root system due to the presence of ledge. M. Quigley stated that, from the Commission's perspective, they would like to see the site plan try to keep as much of the buffer zone intact to the maximum extent practicable. M. Quigley invited members of the public to provide comment.

Glenn Johnson, abutter on Dale Street, introduced himself. He stated that he and his wife have lived in the neighborhood for 34 years and noted that one of the things

they appreciate about Brookline is the respect for nature. He stated that he has had the good fortune of looking at the wetlands for all those years. In reading portions of the Notice of Intent, the project narrative states that “a portion of the proposed work, including portions of the house and driveway, is located within the 150 foot buffer zone. A very limited portion of the work is located less than 100 feet from the delineated wetland.” He noted that it appears that almost half of the proposed house is being built within the buffer zone, and voiced concern that the buffer zone is not being respected. He stated that it is a 50 foot encroachment out of the 150 foot buffer zone. He asked the Commission the following question – when does a buffer zone not serve as a buffer zone, when a good portion of a person’s house is well within the buffer zone?

T. Brady stated that the buffer zone is a regulatory trigger for review, it is not a no-build zone. The standard for review is that you can undertake activities, and alter hydrology, vegetation and soils within the buffer zone as long as it does not create an adverse impact on the resource area. G. Johnson stated that he appreciated the definition. He stated that water comes to within 5-6 feet of his property line and he is concerned about how an encroachment into the buffer zone could impact the wetlands notwithstanding the engineer’s calculations. M. Quigley stated that the Commission is considering this and the functions and values of the wetland.

P. McManus responded that typically, the Conservation Commission is looking at a 50-foot protection zone to the adjacent wetland. In this case, the applicant is proposing some work within the first 10 feet of the hundred foot buffer zone, but proposing to restore that and naturalize it to pre-existing conditions.

Byron Anderson stated that he was the abutter that submitted the list of questions to the Commission. He stated that he recognizes that in any of these cases, there is a delicate balance to strike between property rights and environmental protections. He stated that he and his wife believe that the proposed structure does not appropriately strike that balance. He added that there is a clear encroachment of the 150 foot buffer zone and there will be substantial disruption within that zone. He stated that the 150 foot buffer zone is significant, and Brookline Wetlands Bylaw is in place to serve as an added layer of protection for wetland resources. He stated that that extra protection is particularly important given the steep grade of the ledge and the imperviousness of this site. He added that the Notice of Intent did not provide convincing evidence that the runoff would be protected in such a way that fertilizers and other adverse chemicals will not seep into the wetland. He stated that the amount of land within the 100 foot buffer zone that’s vegetated and would be filtering these chemicals is functionally less than typical, and so the 150 foot buffer zone is particularly important. He added that the proposed plan doesn’t clearly attempt to minimize the disruption and removal of that native vegetation, especially trees. He stated that the proposed tree removal goes against the broader priorities set forth in the Brookline Urban Forest Climate Resiliency Master Plan. He also voiced concern about the lack of community outreach and gestures of goodwill from the applicant. He stated that he strongly opposes the currently proposed plan, and

while he looks forward to seeing the revisions, he asks the Commission to consider the issues discussed here tonight in any decision they make.

M. Quigley asked if there was any additional public comment. There was none.

T. Brady stated that this project will tie into a series of drainage structures and infrastructure that was installed under a different Order of Conditions going back some years. He asked if inspections had been conducted on the pre-existing infrastructure (pipes, inlets, manholes, sumps, and stormwater swales) to ensure they are functioning as designed and intended in the original Order of Conditions. He stated that he doesn't dispute the drainage calculations, but wants to ensure that these structures are functioning as intended and therefore able to take on the additional capacity. V. Porter stated that he has been out to look at those structures and has noted that some of the structures are dirty, particularly structures in the street, and could benefit from cleaning. He suggested that the Commission consider a condition requiring the applicant to regularly clean the catch basins, stone weir, and drain lines. T. Brady asked that the applicant provide a written description of the infrastructure to the Commission.

T. Brady asked specifically about the state of the swale that goes between the other two houses and the basin that is behind the properties on Lee Street. M. Quigley agreed that that would be useful information for the Commission to have. T. Brady stated that before issuing an order, the Commission will need to know the state of the infrastructure, which can then be referenced in the Order of Conditions.

T. Brady stated that he is concerned about the level of loam that will be placed on site and whether or not it will allow water to percolate out. V. Porter responded that there is plenty of pitch in the driveway itself, and suggested that he could write a specification that states 12 inches of loam would need to be added where there will be planting. He said he would be happy to put down more material if the Commission wishes. T. Brady noted that he recognizes that the work in question is outside the buffer zone, but he is concerned about the amount of material that will be saturated which may result in plan alterations down the road. V. Porter stated that the ledge has significant pitch and most of the water will follow the ledge and natural contours of the site. He explained his choice of not putting drainage behind the proposed wall. M. Quigley suggested that V. Porter work as hard as he possibly can with the natural topography and pre-existing conditions of the site.

T. Brady stated that an 8 foot wall with an incline pitching towards the resource gives him pause. He asked whether the wall would be pinned to the ledge or would utilize spread footing. V. Porter replied that the wall would be pinned to the ledge and backed with stone so it doesn't create any hydraulic pressure.

M. Quigley stated that he is also concerned about blasting and contamination of the resource. He recommended that the Commission include some language particular to perchlorate-containing explosives in the Order of Conditions. M. Quigley

described what perchlorates are and the challenges associated with removing them from natural resource areas.

P. Harvey made a motion to continue the public hearing to March 1st at approximately 7:40 PM. W. Corrdin seconded. All in favor.

OPEN SPACE AND RECREATION PLAN UPDATE

T. Brady introduced John Shreffler from Brookline GreenSpace Alliance. He noted that many of the items in the Open Space and Recreation Plan rely heavily on face-to-face connections. He stated that his office has been experiencing some challenges gaining traction on certain items, but is also making headway on other items.

T. Brady stated that the Commission should have received a spreadsheet outlining items that are in progress. He stated that with the new Engineering Director and the new Planning Director on board, a lot more dialogue and cooperative actions are taking place. He stated that he has planted the seed with the Director of Engineering and the new Director of Water and Sewer to talk about green infrastructure and to make progress on that front. Specifically, he is looking to move away from “piloting” green infrastructure, and incorporating these strategies into best management practices.

T. Brady asked K. Weatherseed if there were any additional updates she had. J. Shreffler stated that he was impressed with how much has happened, given the pandemic. K. Weatherseed shared her screen and stated that a lot of progress that staff have made is due to the fact that a lot of the action items go hand-in-hand with other projects that the Town is working towards. She stated that many of the Open Space and Recreation Plan “Urban Forest” action items overlap neatly with the goals of the Urban Forest Climate Resiliency Master Plan. She stated that there has been significant movement towards urban forest preservation, tree protection, and educational initiatives. She stated that certain action items in the Open Space and Recreation Plan focus on improving the accessibility of information and creating user-friendly educational resources (ie. regarding invasive species and wildlife in Brookline). She noted that the Division is revamping their website to make existing information more easily digestible and navigable, and to add additional information as necessary.

She asked if there was anything in particular that J. Shreffler wanted to discuss tonight. J. Shreffler responded that a board member was concerned about conservation restrictions, but he hasn’t yet had a chance to touch base with her and will relay her concerns at the next quarterly check-in. K. Weatherseed asked if there was anything of particular interest to the Commission that they would like to discuss. M. Quigley responded that it will be very interesting to see how the CPA interacts with the Open Space Plan goals. He informed J. Shreffler that the Commission is very excited about the addition of new resources that could potentially go towards addressing some of the more pressing needs for open space.

He added that S. Burrington is the Commission's representative on the CPA Committee.

J. Shreffler stated that funding is the greatest challenge regarding open space, and noted that he anticipates it will be difficult to direct money towards open space preservation. M. Quigley replied that S. Burrington will be happy to relay advocacy and perspective as part of his role on the CPA Committee, and noted that he is excited to continue these check-ins so that J. Shreffler can share GreenSpace Alliance's priorities as things move forward. P. K. Mande stated that besides the CPA funding, there's a lot of infrastructure money that will soon be available to support climate resiliency initiatives. She hopes the Town can receive money from the State on some open space projects that include green infrastructure. T. Brady added that as the structure of Brookline's government changes, a lot of people are learning about plans that allow access to state funds (ie. the Climate Vulnerability Assessment and the Climate Action Plan). He stated that he hopes he can continue to build those relationships and make sure people are aware of these funds that are accessible to the Town.

P. K. Mande stated that the Town is looking at what has been funded by the state so far, and how they might want to improve on that. She stated that the next cycle of funding is going to be in the next month or so.

M. Quigley thanked K. Weatherseed for the update and thanked J. Shreffler for his continued advocacy. He added that he feels these check-ins continue to be helpful for holding the Commission and Town staff accountable. J. Shreffler inquired whether there is any ARPA money going into parks and open spaces (in particular the conservation sanctuaries). T. Brady responded that there are several requests in place, including money for some sanctuary improvements, and they are in a large review process that is underway. J. Shreffler stated that Hall's Pond has been heavily used during the pandemic and requires some improvements and upkeep. T. Brady agreed. J. Shreffler thanked everyone and stated that he appreciates reviewing the Open Space Plan progress with the Commission, especially as the Plan is such a complex document.

ADJOURN

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

Minutes prepared by K. Weatherseed