

Brookline Conservation Commission Meeting Minutes
Tuesday, June 2, 2020, 7:00 PM
WebEx Virtual Conference

Commissioners Present: Marcus Quigley (Chair), Roberta Schnoor (Vice Chair), Werner Lohe, Benjamin Wish

Commissioners Absent: Pallavi Kalia Mande, Pamela Harvey

Staff Present: Tom Brady (Conservation Administrator), Katie Weatherseed (Conservation Assistant)

Guests: See attached.

AGENDA REVIEW/MINUTES

M. Quigley opened the meeting. The Commission reviewed the minutes from April 28, 2020.

R. Schnoor made a motion to accept the minutes from April 28, 2020. W. Lohe seconded. All in favor.

CERTIFICATE OF COMPLIANCE REQUEST FOR 150 WOODLAND ROAD

T. Brady stated that the Commission had conducted several property visits recently at Woodland Road and thanked Bobby Allen for facilitating them. He described the long history of the Orders of Compliance in question and concluded that the applicant is looking to receive Certificates of Compliance for both.

Laura Leach from VHB introduced herself. She reiterated T. Brady's statements regarding the two Orders, one of which was issued in 1997 and the other in 1998. She stated that her office has been working with T. Brady and has submitted supplemental information. L. Leach concluded that she feels confident that work has been done in accordance with the Orders.

L. Leach stated that the first Order (DEP File No. 120-65) was for a roadway to be built through the property. In order to mitigate for the fill, a wetland mitigation area was created elsewhere on the property. She stated that the wetland replication area is in good condition – the area is fully revegetated (75% vegetated with wetland species) and has hydric soils. She continued that she has observed plant cover in both the winter and spring seasons. R. Schnoor asked if she would elaborate on the vegetation that was observed in the wetland replication area. L. Leach stated that, based on the plan, the mitigation area design consisted of four species. Over time, other species moved in and developed a nice herbaceous cover. She continued that the success of the area was much more easily observed in the spring. B. Allen confirmed that when he went on a site walk with Tom in the winter, it was challenging to see all the plant cover. He stated that he would be happy to organize an additional site visit or provide pictures for the Commission's review. T. Brady inquired whether the applicant has completed a plot plan of the vegetation present today. He stated that when he observed the site, he noted that the herbaceous layer was strong, however the shrub layer was light. L. Leach stated that she can do a plot

plan of what was seen in March. T. Brady stated that he would suggest the Commission do another site visit and carry the hearing for another meeting in consideration of doing some additional planting out there and enhancing the wetland. B. Allen stated that the applicant can add supplemental plantings and connect with Tom regarding a follow-up site visit. L. Leach stated that there are some nice, established trees in the wetland replication area, and that she wouldn't want to disrupt them with anything too large, but would be happy to add supplemental plantings. T. Brady suggested that the Commission identify the cost for additional plantings and establish a performance bond that would be distinct for 2 growing seasons to ensure the establishment of the plantings. R. Schnoor commented that she was disappointed with the extent of vegetation she observed on site in mid-March and would like to see additional plantings. M. Quigley asked the applicant whether they are amenable with the performance bond. B. Allen replied yes, but suggested another site visit, stating that the plantings are much more visible in spring. W. Lohe stated that since there wasn't a lot of documentation of the replication area, he thinks a sketch plan would be of particular interest to the Commission.

W. Lohe suggested he would also like to see a sketch of the pond(s) related to the other Order in question. L. Leach introduced this Order (DEP File No. 120-173). She stated that there is Isolated Land Subject to Flooding (ILSF) on the property, on which the owner built an open basin with an impervious liner. The basin is served by rainwater and well-water and has a spillway channel that is only used whenever there is a major storm event. She stated that she believes this landscape feature was constructed in compliance with the original Order.

T. Brady inquired as to the size of the pond, to which L. Leach responded it is approximately 10,700 sq ft. T. Brady stated that he believes the basin is now more so classified as a pond as it holds water year-round and has been managed and maintained as a pond. He stated that if the Commission agrees, the plan of record should note the physical footprint of the pond and reference it in the Certificate of Compliance. L. Leach referenced the definition of a "pond" in the Wetlands Protection Act, stating that the feature in question is a man-made basin with a synthetic liner that acts as an impervious liner. She continued that she is not sure if the basin meets that definition. T. Brady stated that the wording within the Wetlands Protection Act is perhaps not incredibly clear, but he believes it falls under pond classification. W. Lohe stated that the basin could be compared to Sargent Pond, which is classified as a "pond". B. Allen stated that the applicant views it as ILSF and it has always been treated as such. W. Lohe commented that it appears as though the owner has made some changes to the basin in question without the Commission's review. Bruce Besse stated that there have been no changes to the basin except that a liner was placed 3-4 years ago. He continued that this work was done in conformance with the Order. VHB closely supervised that project. R. Schnoor inquired what the square footage was prior to, and following, that work. B. Besse stated that he wasn't sure of the exact square footage, but confirmed that whatever was existing was replicated, and the pond has not grown in size. T. Brady

commented that the basin in question has passive overflow, is fed by well-water, and is over 10,000 sq ft. He stated that the Commission must make the best decision based on the information at hand. M. Quigley commented that it is an open water body greater than 10,000 sq ft and from what he has heard and seen, it would appear to be a pond. R. Schnoor stated that she saw the property back in the late 90's when it was ILSF, however it is now two water bodies and it does not seem fair to classify it as ILSF when it is clearly not that anymore.

M. Quigley asked if there was any input from the public – there was none. He asked for a motion on DEP File No. 120-65 to approve a Certificate of Compliance following a site visit, the submission of a sketch of the existing vegetation, and a 2-year performance bond.

R. Schnoor made a motion to issue the Certificate of Compliance for DEP File No. 120-65 following a site visit, the submission of a sketch of the existing vegetation, and a 2-year performance bond. W. Lohe seconded. All in favor.

M. Quigley asked for a motion on DEP File No. 120-73.

R. Schnoor made a motion to issue the Certificate of Compliance for DEP File No. 120-73 with the stipulation that the water body in question be reflected on a plan of record as a "pond" and referenced as such in the Certificate. B. Wish seconded. All in favor.

DISCUSSION OF HOUSING AFFORDABILITY IN THE AGE OF COVID-19

Joan Lancourt introduced herself and stated that Covid-19 has shown how critical housing is and that it appears that Brookline is moving in the direction of extremes of wealth (very rich and very poor). She continued that there is a significant issue with housing affordability - young families can't afford to rent and can't afford to buy. She stated that there will be a series of 3 forums to discuss the matter of affordable housing. She invited the Commissioners to register and directed them to the website: buildingabetterbrookline.org. J. Lancourt encouraged the Commission to spread the word. She believes that the way forward on this issue is through collaboration with many departments, boards and commissions. M. Quigley stated that he appreciates her coming to speak with the Commission and is interested to see how this matter interacts with issues like open space planning, climate change, etc.

MUDDY RIVER UPDATE

T. Brady briefly reviewed the history of the Muddy River Project and stated that the successful bidder, Charter Environmental, along with representatives from the Army Corps of Engineers will be presenting before the Commission tonight.

Jennifer Flanagan introduced herself and stated that the Muddy River Project is currently in its second phase. Kyle Merkosky shared his screen and described the 13 work areas and the associated scope for each area.

M. Quigley inquired about access roads. K. Merkosky replied that a lot of the access roads are on pre-existing roads and walking paths. In most instances they are wide enough and compact enough to manage the traffic. He continued that the intent is to restore the access areas when work is completed. M. Quigley then discussed excavation with K. Merkosky. K. Merkosky stated that after an area is dug, crews will go back with survey equipment and confirm that everything is as originally intended and cross sections will be built at that point in time.

B. Button inquired whether sediment will be transported for removal. K. Merkosky replied that it will. He continued that there will be bins for decanting of the sediment to allow it to dry enough to transport it to area 11. It is further dried there and shipped to end facilities. M. Quigley inquired whether all the excavation will be done with long arm excavators. K. Merkosky replied that it will be done with 2 types of long arm excavators.

K. Merkosky reviewed the total wetland impact summary and described the general timeline. M. Quigley stated that he appreciates the thorough update. T. Brady stated that the project is off to a positive start. He will keep the Commission abreast of what is happening and pass questions from the Commission along to the Army Corps as they arise. He continued that B. Button and CDM Smith have been gathering information required by our Orders, and have been doing a great job.

STAFF UPDATE

T. Brady stated that a private driveway behind the Monastery is in the process of being ground and resurfaced. He stated that he has reviewed their plan and has made sure that it was graded appropriately.

T. Brady stated that all nature sanctuaries are getting a lot of use at the moment and he has been working with Brookline's park rangers to keep them in good condition.

T. Brady added that Town Hall will return to 25% staffing in a week's time, however this will be a slow and gradual return. He also commented that Covid-19 has impacted budget – most open positions will not be filled, equipment purchases may be deferred, and funds for the boardwalks in Amory Park, Amory Woods and Hall's Pond may be affected.

T. Brady stated that there will be a kickoff forum for the Urban Forest Climate Resiliency Master Plan on June 10th.

R. Schnoor made a motion to adjourn. B. Wish seconded. All in favor.

ADJOURN

Minutes prepared by K. Weatherseed