

Brookline Conservation Commission Meeting Minutes
Tuesday, July 14, 2020, 7:00 PM
WebEx Virtual Conference

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

Commissioners Absent: Benjamin Wish

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

Guests: See attached.

AGENDA REVIEW/MINUTES

M. Quigley opened the meeting. The Commissioners reviewed the minutes from June 2, 2020.

P. Harvey made a motion to approve the minutes as drafted. R. Schnoor seconded. All in favor.

DISCUSSION OF 162 GODDARD AVENUE CONSERVATION RESTRICTION

T. Brady stated that P. Harvey, R. Schnoor and K. Weatherseed were able to visit the site.

Neal Mongold, architect at The Narrow Gate Architecture, introduced himself and Stephen Garvin, civil engineer with Samiotes Consultants, Inc. S. Garvin presented the existing conditions of the site to the Commission. He described the isolated vegetated wetland, and identified the 100' and 150' buffer zones. He explained the history and conditions of the Conservation Restriction, specifically drawing attention to Items 5b and 5c, which speak to the construction and maintenance of driveways.

S. Garvin stated that the applicant is seeking to construct a formalized driveway through an existing path and relocate an existing curb cut off of a private way. He displayed images of the location for the proposed driveway, and opened the floor to questions from the Commission.

P. K. Mande inquired about the parking lot configuration and the proposed change in impervious cover. S. Garvin stated that this is a Master Plan and they have not yet done any area calculations. He estimates an increase of approximately half an acre to an acre of impervious surface. N. Mongold described some of the proposed activities within the Master Plan, including the construction of a new administrative building (where an existing residential building currently exists) and consolidating the administrative building with the chapel. He stated that the driveway in question will relieve traffic congestion and safety issues that the turn onto Goddard Avenue currently present. He added that the proposed access from Avon Street would be a safer access route (including for emergency vehicles) and would also provide for better access to the lower level of the center hall building. N. Mongold continued

that the Master Plan contemplates increasing the existing parking count from 65 spaces on site to 95 spaces. He stated that the Annunciation Cathedral has needed additional spaces for a long period of time, and in the past people have had to park in places where they were not technically allowed to, or in unsafe locations. He added that they have not yet discussed whether the paving will be permeable or impervious, but would be happy to consider that. S. Garvin clarified that what is being discussed tonight is solely for the construction of a new driveway and relocation of a curb cut – the Applicant will come back before the Commission for additional work associated with the Master Plan.

P. Harvey asked whether the applicant had looked into the status of the private way, clarifying that last they spoke, it was unclear who owned it. She also added that, while the restriction does allow for construction of driveways, she wondered what is considered an appropriate size of driveway. N. Mongold stated that the driveway will measure approximately 30 feet wide on the far east side of the private way. He stated that the private way is in the Town of Brookline, but borders along the City of Boston. He clarified for the rest of the Commission that the private way is a one-lane gravel drive that extends through a fairly wooded area. He stated that the driveway does not appear to be owned by the Hellenic Association, but the agreement states that the Conservation Restriction is created along the private way. The deed indicates that the property does not include ownership of the private way. S. Garvin clarified that the applicant has the right to use the private way, just like the other abutters. He also mentioned that it is an overstatement to call the proposed work a curb cut – the applicant is not proposing to pave the pathway or improve it other than moving the connector. P. Harvey inquired how wide the proposed driveway off Avon Street would be. S. Garvin stated it would be approximately 20 feet wide at the curb cut, and 24 feet wide within the property to accommodate 2 lanes of traffic. T. Brady confirmed that this is a standard driveway size for 2 lanes of traffic. R. Schnoor inquired about the potential impact of the work on nearby trees. N. Mongold replied that there is one tall, dead tree that will be removed (he clarified that it would likely be taken down regardless of this project for safety reasons). He continued that the applicant will preserve all other trees and their root systems.

M. Quigley inquired whether the applicant has any historical information on the intent of the Conservation Restriction. N. Mongold replied that he had done some historic research into the agreement and previous zoning variances and relief that was granted. He stated that the private way running along the Boston city line was always seen as part of the Charles to Charles greenway. He stated that the CRs intent, while he wasn't entirely sure, may have been to provide a view corridor to the park.

M. Quigley inquired about whether the informal access route from Avon Street is currently accessible to vehicles. N. Mongold replied that the Hellenic Association keeps a chain across the access point. S. Garvin continued that in snow or wet weather, it would be very difficult for someone to get access through there. N.

Mongold added that the Association is working to provide a daycare center in the Recreation Center.

M. Quigley inquired about whether the property to the south has any rights to the Conservation Restriction – he noted the ownership of this parcel had recently changed. N. Mongold replied that they are abutters to the private way, and so the applicant assumes that they would have rights of access to the private way. He added that the folks from the parish council have had some conversations with the abutters, but have not heard of any plans for the proposed development recently.

M. Quigley inquired about situations in which the owners of a parcel are not the sole signatories of a Conservation Restriction. T. Brady stated that a Conservation Restriction changing hands over time is not unusual. S. Garvin clarified that while the abutters have rights to the private way, they do not have rights to the Conservation Restriction. The Agreement is signed by the Town of Brookline and the Hellenic Center. S. Garvin commented that the Conservation Restriction Agreement notes that the right for constructing a driveway is reserved for the Hellenic Association alone.

M. Quigley inquired whether the request for the relocation of the driveway near the private way is a placeholder for future use and asked about the state of the current access. S. Garvin replied that it is paved. M. Quigley suggested removing the existing driveway – commenting that he struggles to support a driveway being built as a placeholder. S. Garvin stated that the applicant believes that the right to do the proposed work is reserved in the Conservation Restriction, but wanted to come before the Commission. M. Quigley inquired whether, from a regulatory perspective, the applicant interprets the agreement in such a way that they believe they can build any driveway or access point through the Conservation Restriction? N. Mongold stated that while he is not an attorney, his understanding would be that the applicant has a right to construct or maintain driveways, but not without review from the Conservation Commission.

M. Quigley noted his hesitations regarding the lack of information about the ownership rights of the abutters to the Conservation Restriction. Bob Badavas, president of the Annunciation Cathedral, stated that the Hellenic Association owns half of the private way, and the abutters own their half. He commented that he has had meetings with the developers of the abutting property. He added that he has done extensive and inclusive title work, but some of the history is not well documented. He noted that part of the reason for the request to formalize a 3rd access point is, assuming schools begin, there will be 25-29 families dropping off and picking up their children Monday through Friday, and the Association would like that traffic to be contained to a certain portion of the campus for safety and general traffic congestion.

T. Brady clarified that the Commission is not allowing improvements to the preexisting gravel pathway that would allow cueing of cars or traffic, and that the

footprint of the proposed work is in fact smaller than the currently existing footprint.

W. Lohe made a motion that both of the proposed activities (the construction of a formalized driveway off of Avon Street, and the relocation of an existing curb cut off of the private way) may occur in conformance with the Conservation Restriction. It was noted that this is not a formal interpretation of item 5b of the Agreement and any additional work within the Conservation Restriction will require further review by the Commission. P. Harvey seconded. All in favor.

P. Harvey commented that the Commission should look more deeply into this matter of abutters and ownership. M. Quigley stated that he appreciated the discussion and thanked the applicants for coming in. N. Mongold thanked the Commission and agreed that more information should be gathered regarding the private way.

MUDDY RIVER UPDATE

T. Brady stated that work is underway and that he has attended multiple site visits. He stated that the dredging of Leverett Pond is anticipated to begin around the September holiday. He added that this is now an active construction site and will continue to be for the next 2 years.

STAFF UPDATE

T. Brady stated that the Commission should expect to see a Notice of Intent for the Baker School Tennis Courts shortly. He stated that The Country Club is preparing for the US Open, and he has been actively engaged in discussions with their office as they work through their previously permitted maintenance pieces. He noted that a private way was recently repaved along Warren Street, and that 88 Cottage Street will soon become an active project again. T. Brady noted that the Urban Forest Climate Resiliency Master Plan is progressing well. He stated that the Brookline Teen Center has developed a teen volunteer corps, which has been working with Brookline's Park Rangers and doing some stewardship projects. The Commission discussed how grateful they were for the work and P. Harvey suggested writing an email thanking everyone involved for their efforts.

P. Harvey made a motion to adjourn. W. Lohe seconded. All in favor.

ADJOURN

Minutes prepared by K. Weatherseed