

Brookline Conservation Commission Meeting Minutes
Tuesday, September 22, 2020, 7:00 PM
Zoom Virtual Conference

Commissioners Present: Marcus Quigley (Chair), Roberta Schnoor (Vice Chair), Pallavi Kalia Mande, Werner Lohe

Commissioners Absent: Benjamin Wish, Pamela Harvey, Marian Lazar (Associate)

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 August 11, 2020.

R. Schnoor made a motion to approve the minutes from August 11, 2020. P. K. Mande seconded. All in favor.

REQUEST FOR DETERMINATION OF APPLICABILITY SUBMITTED BY FAIR DERMODY CONSULTING ENGINEERS ON BEHALF OF THEIR CLIENTS, THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY AND KEOLIS COMMUTER SERVICES, LLC, TO DETERMINE WHETHER THE BOUNDARIES OF THE RESOURCE AREA(S) DEPICTED ON THE SUBMITTED USGS RIGHT OF WAY MAPS ARE ACCURATELY DELINEATED

Matt Donovan, of Fair Dermody Consulting Engineers, stated that he was present to represent Keolis Commuter Services, LLC. He presented the map that was submitted as part of the Request for Determination and described the proposed work. He noted that the tracks are marked for the spray truck applicator to perform herbicide application along the railroad. He added that Keolis and the MBTA are federally required to keep vegetation to a minimum. He then stated that there is a vegetation management website that is updated regularly and contains the vegetation management plan. M. Donovan opened the hearing to questions and comments from the Commission. R. Schnoor asked for clarification regarding the specific area in Brookline in which work would be conducted. T. Brady specified that a very small amount of work would take place in Brookline. The Brookline-specific work area was located on the map.

M. Donovan stated that the Commission approved the same five-year vegetation management plan in 2016 and issued a negative determination. P. K. Mande asked about the areas of track that are located close to the water and the associated management strategies. M. Donovan replied that there are limited-spray zones and no-spray zones. He clarified that if the track was immediately adjacent to the water, it would be considered a no-spray zone.

M. Quigley inquired if any work is being done towards reducing chemical herbicide usage. Clary Coutu, Director of Environmental Compliance with Keolis, introduced herself. She stated that work is being done to reduce chemical herbicide usage. She noted that chemical

resistance is a concern, and that over the last three years Keolis has incorporated an integrated management approach. She stated that this management strategy is currently a pilot program, and they are interested to see whether it is successful. C. Coutu stated that the areas that are populated with invasive species are to be addressed more aggressively. P. K. Mande noted that corridor railroad infrastructure is near the Muddy River, and asked if the same kind of integrated management will be applied to those areas. C. Coutu replied that she can only speak to the vegetation management plan that is before the Commission. She added that most areas within setbacks of the river will be considered no-spray zones, and will require the use of mechanical management.

T. Brady noted that this request is specifically for the Keolis Commuter Rail. C. Coutu added that there are no resource areas adjacent to the tracks in Brookline. C. Coutu and W. Lohe discussed the expense associated with mechanical removal. C. Coutu noted that there are thousands of acres of no spray zones, and the cost for the mechanical management is hundreds of thousands of dollars.

C. Coutu discussed which specific determination she would like Brookline to issue. C. Coutu stated that in regards to Brookline, there are no resource areas close to the tracks and therefore no jurisdictional areas that the Commission has to evaluate. She stated that the Commission could issue a Negative 6, and added that it is dependent on how the Commission wants to apply the regulatory standards of the Wetlands Protection Act. T. Brady suggested the Commission issue a Negative 5, which is the determination that was issued in 2016. C. Coutu stated that there are no tracks near Brookline's resource areas, and therefore she does not believe this determination is particularly appropriate. M. Quigley asked if there were any questions or comments from the public.

R. Schnoor made a motion to close the hearing. P. K. Mande seconded. All in favor.

CONTINUED PUBLIC HEARING FOR THE NOTICE OF INTENT FOR THE EDITH C. BAKER SCHOOL TENNIS COURTS (BEVERLY ROAD)

T. Brady stated that the Applicant has requested that the hearing be continued to October 20th, 2020.

R. Schnoor made a motion to continue the hearing to October 20, 2020 at 7:05 PM. W. Lohe seconded. All in favor.

PUBLIC HEARING FOR THE NOTICE OF INTENT FOR 150 WOODLAND ROAD FOR DRIVEWAY IMPROVEMENTS, SUBMITTED BY VANASSE HANGEN BRUSTLIN, INC. ON BEHALF OF THEIR CLIENT, PAUL FIREMAN

Laura Laich, of Vanasse Hangen Brustlin, Inc., introduced herself. She described the site layout, noting the existing pond and Bordering Vegetated Wetland on the property.

L. Laich stated that the proposed work involves the addition of a culdesac feature to the existing driveway. She added that this would allow for subdivision development at a later date, following additional approvals from the Commission. Some of the

proposed work would take place within the 150-foot buffer zone. She noted that the center of the culdesac will be constructed using permeable pavers, which will account for the increase in impervious surface due to the widening of the road. Slight grading and the removal of two trees would be required as part of the project, in addition to the extension of the sewer line underneath the proposed pavement. L. Laich opened the floor for questions from the Commission.

M. Quigley disclosed that VHB is a client of his company, and wanted the Commission to be aware of the fact in case anyone had any objections. He noted that his work with VHB has nothing to do with the proposed material work for this project or any other direct project with VHB. No one from the Commission objected to continuing with the hearing.

P. K. Mande asked if the proposed permeable pavement would infiltrate surface water from surrounding impervious surfaces, or simply the water that falls directly on top of it. Chris Nowak, of VHB, introduced himself. He stated that there would be a high point at the beginning of the culdesac which would direct sheet flow from the pavement towards the permeable pavers. R. Schnoor asked how steep the grade would be and whether retaining walls would be added. C. Nowak clarified that the culdesac would be shaped like a bowl and would push water towards the permeable pavement. P. K. Mande asked whether surface water that once sheet flowed into the resource area would now be directed into the permeable pavers, and whether that might impact the resource area. C. Nowak replied that there is an existing closed drainage system in the roadway (catchbasins). He added that the proposed plan would entail diverting some of the runoff that would originally be directed towards the catchbasin and infiltrating it into the ground. P. K. Mande inquired about the location of the two trees proposed for removal. L. Laich showed the two trees on a plan.

M. Quigley asked about ledge on the property. C. Nowak stated that there are ledge outcroppings and, consequently, there are notes for the contractor on the plan set. He continued that they have called for retaining walls where they may run into ledge and are directing the contractor to build retaining walls to protect the trees. M. Quigley asked whether C. Nowak thinks there is appropriate subsurface material for the construction of permeable pavers. C. Nowak replied that there is appropriate subsurface material in the center of the culdesac. P. K. Mande asked if there are any plans for planting additional trees. C. Nowak stated that the plan was developed as you see it today to protect as much vegetation as possible. P. K. Mande noted that trees provide crucial stormwater management functions, and was wondering if there is an opportunity to provide these services through additional plantings. C. Nowak replied that there is extensive landscaping on the property now and the proposed culdesac turnaround is smaller than originally designed to maintain and protect the existing trees. R. Schnoor inquired about the possibility of locating the culdesac somewhere else on the property. C. Nowak replied that multiple studies were conducted to develop this design, and the culdsac must be in this location.

M. Quigley inquired whether the porous pavement would be utilized as a driving surface or simply a feature. C. Nowak replied that everyday traffic would avoid the permeable paver (as it will be visually different), but it will be drivable for an emergency response vehicle. T. Brady asked if C. Nowak could revisit P. K. Mande's question regarding additional plantings. C. Nowak responded that additional plantings are not in the proposed design, and he is uncertain as to where additional trees could be planted.

T. Brady and L. Laich discussed proof of mailing and the green certified mail receipts. T. Brady then noted that the plan set is "not approved for construction", and does not contain the level of detail and specificity that the Commission usually receives. He added that the Commission would likely add a condition requiring a final construction plan set. C. Nowak stated that the plan set has not been permitted yet, and therefore it cannot be labeled that it is approved for construction. M. Quigley stated that more detail is needed to construct the porous paver area, in particular. C. Nowak responded that a detail has been developed, but the paver has not yet been selected. P. K. Mande inquired how much infiltration the applicants are expecting in regards to the permeable pavers. C. Nowak stated that he anticipates there would be approximately two feet in depth.

P. K. Mande made a motion to close the hearing. R. Schnoor seconded. All in favor.

MUDDY RIVER UPDATE

T. Brady stated that dredging is almost underway. The Army Corps of Engineers have come to an agreement on how to manage the sediment. He added that there has been some turnover in regards to project team members. He added that he and M. Quigley will be talking with the Army Corps of Engineers regarding the water levels of the Muddy River.

STAFF UPDATE

T. Brady stated that his office had received a request to extend the Order of Conditions for the Carlton Street project, DEP 120-177, BWB 17-04. Several minor modifications have been made to the project design, and the applicants have requested a three-year extension. W. Lohe inquired whether the proposed modifications alter the approved project enough to be reviewed by the Commission. T. Brady responded that the received letter states that no modifications will affect the project in regards to the Order.

W. Lohe made a motion to issue the three-year extension for the Order of Conditions associated with DEP 120-177, BWB 17-04. R. Schnoor seconded. All in favor.

T. Brady noted that he has spoken with the representative for the Sargent Pond project, DEP 120-167, BWB 17-02. He stated that the applicant requested additional time to complete all the requirements of the Order. T. Brady stated that the only legal vehicle to issue additional time is via an extension of the Order of Conditions. R. Schnoor asked if T. Brady has visited the site recently. T. Brady replied that he has

and that it looks like all the work has been done in compliance with the Order. W. Lohe noted that he visited the site recently, and the contractors appear to have a staging area near the pond. T. Brady agreed, and noted that it was per the approved plan.

R. Schnoor moved to issue a six-month extension for the Order of Conditions associated with DEP 120-167, BWB 17-02. P. K. Mande seconded. All in favor.

T. Brady stated that the Putterham Golf Course have proposed some minor work to be conducted near the 11th hole. He believes the work is routine and does not require a filing. He added that at the golf course, golf balls are continuing to roll under the net and into the culvert and stream at the bottom of the driving range. T. Brady plans to meet there next week and supervise the laying of lumber and mesh to prevent balls from rolling into the culvert and resource area.

T. Brady stated that The Country Club has begun preparation for the US Open. He noted that The Country Club have been communicating with his office.

T. Brady stated that Erin Chute Gallentine is now the official Commissioner of Public Works.

K. Weatherseed provided the Commission with an update on the Urban Forest Climate Resiliency Master Plan. She stated that the Project Team had a successful second public forum, and that the project is currently focusing on outreach strategies that will elicit input from vulnerable populations.

The Commission and C. Coutu discussed potential determinations in regards to the Request for Determination submitted by FDC. The Commission noted that while the map submitted depicts areas of jurisdiction, there are no resources in Brookline being impacted by the specific activity proposed.

R. Schnoor made a motion to issue a Negative Determination of Applicability Number 4. P. K. Mande seconded. All in favor.

ADJOURN

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

Minutes prepared by K. Weatherseed