

**Brookline Conservation Commission Meeting**  
**Tuesday January 5, 2016, 7 p.m.**  
**Town Hall, School Committee Room**

**Commissioners Present:** Marcus Quigley (Chair), Matthew Garvey, Werner Lohe, Gail Fenton, Roberta Schnoor, Pallavi Kalia Mande, Pamela Harvey, Marian Lazar

**Commissioners Absent:** Deborah Myers

**Staff Present:** Tom Brady, Conservation Administrator, Brittany Bonney, Conservation Assistant

**Guests Present:** See attached.

**AGENDA REVIEW/MINUTES**

*R. Schnoor moved to approve the minutes from the 12/22/15 meeting. W. Lohe seconded. All in favor.*

**NOTICE OF INTENT UNDER THE BROOKLINE WETLANDS BYLAW FOR 25 SEARS ROAD, LOT 17, TO CONSTRUCT A STORMWATER INFILTRATION BASIN, SUBMITTED BY APPLIED ECOLOGICAL SCIENCES ON BEHALF OF THEIR CLIENT ENGLISH ROSE REALTY TRUST C/O MICHAEL J. BURKIN**

M. Quigley opened the public hearing and informed that T. Brady has new information regarding this submittal. T. Brady explained that this property was formerly 1 large parcel which has already gone through the Commission for a RDA and moved forward with some construction. Since the RDA filing, the large parcel has been subdivided into 6 parcels. The applicant has submitted plans for a detention basin, where discharge would affect the area of determination. Therefore, they have submitted a NOI for that activity. The process of submitting a NOI includes going to the Town Assessors for a certified abutters list, to properly notify abutters within 100 ft. Since the abutters list was only generated from 1 subdivided parcel, the list became much smaller than the previous list. The applicant has been asked to re-notify abutters based off all 6 smaller parcels, because they remain under one common ownership. The continuation for this NOI hearing will be held on Tuesday, January 19<sup>th</sup> at 7:05 pm and abutters will be re-notified via certified mail.

T. Brady brought up a second issue regarding this property. During regular rounds on 12/24/15 T. Brady stopped by the property and saw crews working within the 150 ft. buffer and within the wetland resource itself performing vegetation removal. T. Brady presented the photos he took of brush piles and a worker with a chain saw. Russ Waldron, Applied Ecological Sciences, explained that crews were cleaning up dead fall within the resource. He suggested two options for mitigation; he said nutrients are tied up in these brush piles so they should either be left the way they are to provide habitat or the other option is to cut up the piles into smaller pieces and disperse the piles back into the wetland.

W. Lohe asked if the Commission has the authority to apply financial sanctions. T. Brady said yes. W. Lohe said that if these crews were professionals, they should have known better than to enter into a wetland resource and asked if the 150 ft. buffer is properly flagged. M. Burkin said yes, it is flagged, the crews were instructed to remove dead logs and brush piles, and they did not cut any living trees. M. Quigley asked if anything was removed from the site, M. Burkin said no.

T. Brady said that no professional tree company was on site that day, and no certified arborists. He explained that there are several tree stumps in the wetland; the crew he witnessed was actively cutting trees within the wetland resource. He said that he agrees with R. Waldron, this wetland is good vernal pool habitat and he would like to see the brush piles redistributed back throughout the wetland. He would also like to see the 150 ft. buffer more clearly marked, by using a snow fence with metal stakes.

G. Fenton said that the Commission was never given permission to certify vernal pools in this wetland but as potential vernal pool habitat, it should be treated with a great deal of care and respect. W. Lohe said that he would like to see the impact that this activity had on habitat by monitoring it under the supervision of R. Waldron. G. Fenton agreed and said that fallen wood is prime egg laying habitat for salamanders, it would be hard to quantify if habitat was affected. G. Fenton asked if the wetland was on two lots; R. Schnoor said yes, lots 16 and 17.

M. Quigley asked if the public had any comments or concerns.

- Joseph Freeman, 346 Lee Street, said he is extremely concerned because this is only 1/5 lots. He is concerned about the overall supervision and work conducted on the property in the future. He is concerned that buyers will not be properly made aware of the wetland on the property.
- Deborah Anderson, 360 Lee Street, said the abutters have discussed potentially protecting the wetland so it is not under private ownership.
- M. Quigley, M. Garvey and W. Lohe asked about the Commission's capabilities of implementing fines for these actions. T. Brady said lets first look to corrective actions being taken, will send out conditions in certified mail. If we do not receive a response, then we could implement fines.
- T. Brady said the biggest impact that this activity had was on habitat in the wetland. M. Garvey suggested it be monitored for at least two years. T. Brady agreed and said that will be a condition of lifting the cease and desist along with the restoration under R. Waldron's supervision and clearer demarcation of the 150 ft. buffer.
- Lisa Ruben Johnson, Lee Street, said the wetland is currently flagged with wooden stakes with red flags, asked what the new markers will look like. T. Brady said he will request bright orange snow fence be put up every 10 ft., with metal stakes, during all active construction. It will be the applicant's responsibility to maintain the fence.
- J. Freeman said that construction has already been so loud that he believes wildlife has been affected already. L. Ruben Johnson asked about construction hours, T. Brady said that is not under the jurisdiction of the Conservation Commission. J. Freeman pointed out that he was not notified of this meeting.

M. Quigley recapped the Commission's requirements for mitigation:

1. More permanent and clear demarcation of the 150 ft. buffer zone (using a snow fence with metal stakes, placed every 10 ft.)

2. Date and time that brush piles will be redistributed back into the wetland under the supervision of the wetland scientist
3. Two calendar year-seasons (spring through fall) will be monitored for habitat; a written report with photos will be submitted to the Commission
4. Qualified supervisor on site during all work within Conservation's jurisdiction, as well as presence of the Conservation Administrator

Once the applicant has submitted all necessary documentation and plans to the Commission, the cease and desist may be lifted. If there are any issues with implementing these requests, then a monetary value can be issued. The first concern of the Commission is the wetland and habitat. W. Lohe said he would have liked to see the contractor present at tonight's hearing, M. Quigley agreed and said that would have made tonight's discussion clearer with better answers to questions.

*M. Quigley said that the hearing will remain open.*

#### **OPEN SPACE PLAN UPDATE**

- January 27<sup>th</sup> is the next public meeting, will be held at Town Hall in Room 103.
- Staff will work on updating the spreadsheet from 2010 (5 Year Action Plan) and pull together drafts which have been submitted so far.
- The current plan is good through November 2016, which will be our goal for completing the 2015 Plan.

#### **MUDDY RIVER UPDATE**

- The Town will be filing a NOI for the bank restoration between the Longwood T stop and the Longwood Bridge.
- M. Quigley explained how he has been monitoring this area and wanted to emphasize how the restoration of banks is extremely important.
- T. Brady invited the Commission to take a walk through, if they missed the previous site visit. The Commission will hold a site walk on Friday, January 22, 2016 at 8:30am.
- Another NOI will need to be filed for this project. The Army Corps. cannot be the applicant, the last time it was the Boston Parks Dept.

#### **STAFF UPDATE**

- **Enforcement Order for 25 Sears Road, Lot 17, BWB 15-08**  
The Commission restated the conditions from which they discussed earlier. W. Lohe moved to ratify the existing Cease and Desist issued by the Conservation Administrator. G. Fenton seconded. All in favor.
- Driving Range at Putterham Meadows- Have brought in about 15,000 cubic yards of fill so far, working to stay within compliance of their Order of Conditions.
- 88 Cottage Street- The old house is gone, erosion controls have been moved and set up for phase 2 which will be construction of the new house.
- Betsy Sure Gross has settled in California, and sends her regards.

*M. Quigley moved to adjourn the meeting. R. Schnoor seconded. All in favor.*

Documents/Exhibits used at the meeting:

- Meeting Agenda
- Draft Minutes from 12/22/15
- WPA Form 9, Enforcement Order for 25 Sears Road, Lot 17

Submitted by B. Bonney.