

Brookline Conservation Commission Meeting
Tuesday, April 5, 2016 7:00 PM
Town Hall, School Committee Room

Commissioners Present: Werner Lohe, Gail Fenton, Roberta Schnoor, Deborah Myers , Pamela Harvey, Marian Lazar

Commissioners Absent: Marcus Quigley, Matthew Garvey, Pallavi Kalia Mande

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 3/15/16. G. Fenton seconded. All in favor.

RDA FOR RAILROAD RIGHT OF WAY

W. Lohe opened the public hearing and announced that the petitioner is not going to appear this evening and has requested we judge this request based on the submitted documents. R. Schnoor wanted to note the boundaries of the resource areas. R. Schnoor asked if they were proposing any changes. T. Brady said this is consistent with what has been done in the past. T. Brady said they are asking us for two things; 1. Are the boundaries correct and 2. Do we agree with their assertion that they have exemptions under the Commonwealth of Massachusetts Right-of-Way Management Regulations (333 CMR 11.00).

P. Harvey said the boundaries are not visible on the map provided. T. Brady said the river is the resource in question. W. Lohe said at this point, this RDA has become routine.

G. Fenton moved to issue a Negative 5 Determination of Applicability. D. Myers seconded. All in favor.

W. Lohe noted that the hearing is closed.

ARTICLE 11 TREE PROTECTION BY LAW

Richard Murphy, 61 Baker Circle, introduced himself and explained his warrant article and the benefits it would have on trees. He is concerned about the thousands of trees the Town has lost due to development. He explained that this is the same warrant article that came out of a Moderator's Committee in 2003, after going to Town Meeting in 2001.

- M. Lazar said it is very common for a developer to come in and clear cut a lot before pulling any permits with the Town. R. Murphy said in this case, they would have to submit a plan to clear cut beforehand.
- T. Brady explained that this warrant article would require at least one full time employee for implementation.
- H. Mattison said there are flaws within the details of this article. The Tree Planting Committee is going to discuss the article again after it is presented to other Commissions and Boards. The concept is good, but it will need many changes to get passed at Town Meeting.

- D. Myers said that in regards to other Towns local by-laws, the Tree Warden has leeway in deciding what will stay and what will go. The Tree Warden and Staff can work with other Departments and put pressure on good development.
- T. Brady said the flow of information on a Staff level in Town is consistent. He said this is a laudable goal and he shares the sentiment but the details just won't work.
- G. Fenton said a lot of shrubby trees are 8", may want to increase that threshold. D. Myers agreed and asked if volunteer growth is included in this by-law.
- R. Schnoor said with this by-law, there is nothing that explicitly says you cannot clear cut a lot without applying for a permit, etc.
- H. Mattison suggested piggy-backing this on to another by-law such as the Sediment and Erosion Control by-law.
- Bob Shram – TMM Member Precinct 1 – said clear cutting happened near his house on Carlton Street, developers cut many 36" trees and one 48" tree. He would like to see a by-law which protects Heritage Trees, not smaller ones.
- W. Lohe said we are all sympathetic to protecting trees but resource problems have not gotten any better since this was written. This by-law perhaps may not be the best thinking for 2016 even though it was in 2003.
- P. Harvey suggested implementing a buffer for proposed work and creating a 'no net loss' for outside the buffer of a work zone.
- Deborah Anderson suggested implementing a fee for replacements.
- G. Fenton mentioned side yard variances, H. Mattison agreed and said setbacks are different on every side of a property.
- T. Brady said the Commission could follow up on this on the 19th after the petitioner meets with Advisory.
- R. Schnoor asked R. Murphy if he has thought about the staff implications, or a way to fund the position associated with the by-law.
- G. Fenton pointed out that anti-density and anti-development are very different from tree protection; the by-law should be clearer in its goal of protecting trees.
- W. Lohe said he would like to take no action as of now and wait to see how it goes with Advisory. He suggested documenting what we have lost over the last 15 years. It would be helpful to show pictures to make people realize/understand, make it more visionary.
- *W. Lohe moved to keep this hearing open to preserve our options and revisit at our next meeting on 4/19/16. D. Myers seconded. All in favor.*

OPEN SPACE PLAN UPDATE

- The Subcommittees are meeting on a regular basis and putting a lot of work into the Plan.

MUDDY RIVER UPDATE

- T. Brady said they conducted a 4.5 hour site visit with the Army Corp. to look at up/down stream and prepare details for the design of Phase 2 Plans.
- They are aiming for a mid to late June completion.

STAFF UPDATE

- T. Brady explained that Plans for the Back Landfill project are being drawn right now, will be presented to us soon.
- National Grid: will be conducting work near 88 Cottage Street; have confirmed they are exempt under the Act due to maintenance.
- Engineering Division is reviewing Sears Road project.
- 1st round of egg addling has been completed.
- Hall's Pond Boardwalk Renovation project priced at about \$116,000
- BGSA: Annual meeting will be on 4/20 at 6:00pm
- CRWA: Annual clean up on 4/30
- 28 Lyon Road: Owners came in to talk with T. Brady who recommended they hire an engineer. They will be coming in again next week.
- Vernal Pool Update
 - P. Harvey explained that she has been listening for Wood Frogs and looking for egg masses at Amory Woods. She did not find anything to report back successfully. G. Fenton said that she went to D. Blakely Hoar when she returned from her trip and did not see any eggs there or at Dane Park. G. Fenton said just because nothing has been found, doesn't mean there is no activity. G. Fenton suggested stopping by Amory after the rain event tomorrow.

ADJOURN

G. Fenton moved to adjourn. R. Schnoor seconded. All in favor.