

**Brookline Conservation Commission Meeting**  
**Tuesday, March 5, 2019, 7:00 PM**  
**School Committee Room, Town Hall**

**Commissioners Present:** Roberta Schnoor (Acting Chair), Pamela Harvey, Werner Lohe, Marian Lazar (Associate), Pallavi Kalia Mande

**Commissioners Absent:** Deborah Myers, Benjamin Wish, Marcus Quigley (Chair)

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

**Guests:** See attached.

**AGENDA REVIEW/MINUTES**

R. Schnoor, acting Chair, called the meeting to order and asked if there were any suggested amendments to the Agenda. No one had any suggested amendments.

*W. Lohe made a motion to approve the minutes from February 5, 2019. P. Harvey seconded. All in favor.*

**OPEN SPACE PLAN UPDATE**

T. Brady stated that he had called MAPC about the status of their review, but has not heard back. He added that he will continue to reach out.

**MUDDY RIVER REVIEW**

T. Brady said that both Brookline and Boston have issued their Order of Conditions, however there are still several other approvals the project needs to receive before work can commence.

**VIOLATION OF 325 HEATH STREET CONSERVATION RESTRICTION**

T. Brady confirmed with Anthony Rossi, the homeowner, that that initial request for a fence on the property came in at least 3 months ago (September/October). T. Brady continued that the Commission reviewed the request during a meeting. The Homeowner's Council spoke with Town Counsel and identified in the language of the Conservation Restriction the requirement for the approval of a design entity for a fence. In February, Town Counsel received communication from the Homeowner's Council with an approved design, which was then discussed at a Commission meeting, in addition to the proposed location for the fence with proposed plantings within the Conservation Restriction area. P. Harvey, R. Schnoor, and T. Brady looked at the language of the Conservation Restriction with Town Counsel. T. Brady stated that after the meeting, they decided it was important to put eyes on the restriction area itself and observed an excavator working in the back of the property. T. Brady stated that he observed activity taking place behind a staked line delineating the Conservation Restriction area. Town Counsel executed a letter to the property owner's counsel issuing a cease and desist and requesting their presence at the meeting tonight to discuss the matter.

R. Schnoor stated that the Conservation Restriction has been in place for a long time, and she appreciated the opportunity to look at the language again. She described her surprise to see all of the earth work taking place. P. Harvey stated that as for the fence itself, the Conservation Restriction language states the need to keep the Restriction in a scenic condition.

A. Rossi discussed the stakes on the site and described the intended grading work.

T. Brady stated that he spoke with the operator and verbally gave the operator a cease and desist. A. Rossi stated that he was unaware of that. J. Buchheit stated that a cease and desist went out via electronic mail and certified mail to A. Rossi's counsel. J. Buccheit also said that he called the attorney to communicate this order. T. Brady and the contractor discussed the events that took place during the on-site visit. T. Brady communicated his concern that A. Rossi was not aware that a cease and desist order was issued.

The details of the violation were discussed. A. Rossi asked if anyone had pictures. T. Brady stated that pictures were sent to A. Rossi's counsel. A. Rossi commented that he hadn't seen them. T. Brady showed several pictures on the projector identifying where the intrusion into the Conservation Restriction took place. A. Rossi and the Commission discussed the condition of the land prior to the violation. A. Rossi communicated his interest in possibly landscaping certain areas in addition to the required restoration.

R. Schnoor discussed the purpose of Conservation Restrictions and the role of the Conservation Commission in protecting its values. T. Brady stated that the homeowner will need to demarcate the Conservation Restriction line with a more visible marker.

T. Brady stated that the first step in addressing the violation would be to request confirmation from A. Rossi that he received the cease and desist. A. Rossi stated that he accepts there is a cease and desist order and that he will abide the cease and desist.

T. Brady asked that A. Rossi install temporary fencing and provide evidence that he communicated with Peter Ditto, the Director of the Engineering Division, regarding erosion and sediment control. A. Rossi should also produce an existing conditions plan, which illustrates the current state of the Conservation Restriction, how far the intrusion is, soil depth, etc. T. Brady continued that following the existing conditions plan, a restoration plan should be prepared by a certified landscape architect or other qualified person. It should be informed by the vegetation that was present in the area prior to the violation. The materials should be submitted to the Commission 5 days prior to their meeting, so that the Commissioners and Staff may review it. A. Rossi discussed his upcoming schedule. It was concluded that A. Rossi should come before the Commission on April 23<sup>rd</sup>, and should submit the materials by April 17<sup>th</sup>. A. Rossi should erect the temporary fencing tomorrow, March 6<sup>th</sup>, and notify the Conservation office when it is installed. T. Brady stated that when the fence is up and the erosion and sediment controls are in, he would like to visit the site. A. Rossi stated that when he communicates with P. Ditto, he will CC T. Brady on all emails.

## **DISCUSSION OF PERENNIAL STREAMS IN BROOKLINE**

T. Brady presented the Commission with a map of historical streams in Brookline, in addition to a projected GIS aerial image. The Commission reviewed the map and annotated current streams. T. Brady stated that he and staff will look through the GIS aerial to identify perennial streams, and will bring the map back before the Commission to revise, as appropriate.

#### **STAFF UPDATE**

- Review and issuance of Order of Conditions for Sargent Pond, DEP File No. 120-176, BWB 18-05

T. Brady stated that an additional condition is proposed for the Order of Conditions relating to Sargent Pond DEP 120-176, BWB 18-05. Condition number 31 states that the applicant shall submit quarterly reports noting water quality parameters and the presence and percentage of invasive or noxious weeds.

*P. Harvey made motion to issue order of conditions as amended. W. Lohe seconded. All in favor.*

#### **ADJOURN**

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

Minutes prepared by Katie Weatherseed