

**Brookline Conservation Commission Meeting**  
**Tuesday, July 23, 2019, 7:00 PM**  
**Room 111, Brookline Town Hall**

**Commissioners Present:** Roberta Schnoor (Acting Chair), Werner Lohe, Benjamin Wish, Pamela Harvey, Pallavi Kalia Mande

**Commissioners Absent:** Marcus Quigley (Chair), Marian Lazar (Associate), Deb Myers

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

**Guests:** See attached

**AGENDA REVIEW/MINUTES**

R. Schnoor called the meeting to order. No amendments were made to the Agenda. The Commission reviewed the minutes from May 14, 2019. B. Wish suggested an amendment to the minutes.

*P. Harvey made a motion to approve the minutes of May 14, 2019, with minor modifications. B. Wish seconded. All in favor.*

**PUBLIC HEARING FOR THE REQUEST FOR DETERMINATION OF APPLICABILITY FOR THE MBTA RAPID TRANSIT SYSTEM TRANSPORTATION RIGHTS-OF-WAY**

R. Schnoor gave an overview of the hearing process. H. Polmgren, C. Torres, and C. Layton introduced themselves. C. Layton gave an overview of the previous Vegetation Management Plans (VMPs) that the MBTA has submitted, and stated that no herbicide work has been completed in two years. He continued that the VMP is for the MBTA to do vegetation maintenance on the track for public safety and users' comfort. He explained that vegetation gets in the way of the trains, causing electrical faults and derailments. C. Layton stated that the rapid transit site will only use materials from the Massachusetts Department of Agricultural Resources' sensitive area materials list. He added that he used delineations from the previous VMP, as the borders of the sensitive site have not changed. He commented on the apparent results of the previous treatment, which utilized considerably little herbicide but effectively managed weeds.

H. Palmgren stated that the MBTA will be coming before the Commission next year to address the commuter rail area. T. Brady enquired whether the applicant anticipates any overhead foliar treatments. C. Layton replied that it will be strictly track treatments. T. Brady stated that he would like to receive communication prior to the commencement of work in certain areas. C. Layton responded that he agreed, and that he believes the vegetation must be managed for the benefit of both the Town and the MBTA.

W. Lohe inquired about the specifics of the proposed treatment. C. Layton replied that anything that is green in the ballast area is treated. He continued that in

traditional rail applications, they use pre-emergent herbicide, whereas he promotes selective application wherever possible.

P. K. Mande inquired about the proposed frequency of application. C. Layton replied once a year, and that an additional touch up is allowed in certain locations. In a limited spray area however, treatment is only allowed once every two years. He stated that they typically treat in June. R. Schnoor inquired about specific notification protocol. C. Layton stated that they put a notice in the newspaper, but would not be opposed to calling a local official prior to application. T. Brady stated that that would be helpful.

*P. Harvey made a motion to close the hearing. B. Wish seconded. All in favor.*

*P. Harvey made a motion for a notion of negative determination. P. K. Mande seconded. All in favor.*

### **REVIEW OF REQUEST FOR CERTIFICATE OF COMPLIANCE FOR 69 PRINCETON ROAD, 17-10**

R. Kirby and B. Timm introduced themselves as the wetland scientist and project engineer, respectively. B. Timm explained the history of the site in relation to previously filed NOIs. The NOI filed in 2017 for landscape work was completed with minor deviations. He commented that there was actually less impervious surface installed than was originally approved. The concrete bounds required by the Order of Conditions were recently installed after T. Brady went to the site. B. Timm presented a picture of the approved NOI plan and then the corresponding as built plan. He discussed the difficulties he had with getting in touch with the previous surveyor. P. Harvey inquired about the shape of the pathway.

### **DISCUSSION OF 79 PRINCETON ROAD/ PUBLIC HEARING FOR THE NOTICE OF INTENT FOR 69 PRINCETON RD**

R. Schnoor opened the hearing. B. Timm described the existing conditions of the site, and stated that the wetland extends onto abutting properties. B. Timm displayed on the projector a proposed drainage plan prepared by Vern Porter from the Engineering Department, although the proposed infrastructure was never actually installed. He then showed pictures of flooding in the backyard of 69 Princeton Road. He stated that the land is considerably flat – the wetland itself is located at elevation 92. B. Timm explained the proposed system. He explained that at a minimal pitch, pipes do not carry a lot of water, therefore 2 PVC pipes will be necessary. These pipes will fit along the existing landscaped bed. The intention of this proposed system is to reduce the amount of flooding above elevation 92. He stated that a gravity-driven drain will also be installed to work as back-up. He stated that a pump system was considered, however it was discovered that the chamber was liable to floating. Additionally, transporting the chamber into the rear yard without damaging the wetland would be difficult.

R. Kirby stated that he believes this system will preserve the hydrology of the wetland. He stated that once the trench is excavated, they will develop an as built survey of the bottom of the trench to make sure there is adequate pitch. He added that another as built will be developed once the pipes are installed to ensure that the pitch is okay. He continued that he believes it will alleviate flooding on the abutters' properties. B. Timm gave an analogy comparing the wetland to a bathtub.

T. Brady stated that he visited the site with the wetland scientist and engineer, and recommended that the Commission see the site. He described the existing sump pump inside the house that discharges to the side of the house. He stated that he has concerns that the overland flow from the sump pump will flow directly into the proposed drain and potentially alter the wetland conditions. T. Brady stated that he would like the proposed drain basin to be relocated away from the sump discharge. R. Schnoor inquired about the purpose of the proposed location. B. Timm responded that the homeowner has repeatedly seen flooding up to porch and requested that the structure be close to the house.

B. Wish inquired about what the site looks like over the course of a year. B. Timm stated that he hasn't been involved in the project for that long.

P. Harvey inquired about the sizing of the proposed pipes. B. Timm responded that the pipe sizes were chosen based on meeting the required elevation drop over the length of the lot. He stated a larger pipe is not possible.

T. Brady asked if there is any data that has noted a change in the intensity or duration of rain events. R. Kirby stated that while he is not aware of any data showing trends, he has noticed that more intense storms are happening more frequently.

R. Schnoor opened the hearing to the public. S. Fisch and R. Fisch of 79 Princeton Road were present. S. Fisch stated that the pictures shown in the presentation only show the perspective of the flooding at 69 Princeton Road. He encouraged the Commission to come and look at the property and the surrounding properties to understand the scope of the issue. He voiced his concern that the elevation of the land would prohibit the water from actually reaching the manhole. He stated that flooding has become more intense, and as a result he has observed more bugs and pests in the area. He continued that he believes that if all abutters construct the same kind of proposed drainage construction, it might be effective. S. Fisch stated that the existing sump at 69 Princeton Road discharges water on a regular basis which is muddy and appears rusty. The trees on 79 Princeton Road now appear dead. S. Fisch also stated that he observed fill being brought in, and additional soil being placed in the yard of 69 Princeton Road. He continued that the swale that they created with the Commission is now ruined. R. Fisch stated that she believes a new deck has been built behind 69 Princeton Road. B. Timm responded describing the proposed effects of the system, and how the water should drain down to elevation

92. S. Fisch inquired as to how B. Timm can be certain that the pipes will reach the manhole. R. Kirby explained that their proposed plan will direct water from elevation 92 and pitch it to elevation 91.6, so even though the land is higher, the pipe will be lower.

T. Brady commented that there should be cleanouts at the bends of the pipes. R. Fisch inquired as to who would maintain the system. B. Timm responded that the stone trench at the front will stop the debris, and that there will also be a grate to keep squirrels out. If there is a clog, it can be cleaned out.

Abutter James Winkelman of 62 Rangeley Road introduced himself, and mentioned Dr. Kenneth Miller of 52 Rangeley Rd, who couldn't attend the meeting. He stated that they both examined the application and proposed plan and prepared a written document expressing their concerns (this document was shared with the Commission). J. Winkelman discussed the history of work taken place at 69 Princeton Road. He mentioned that he believes the grade of the rear yard has been altered and some work may have been completed without the appropriate permits. J. Winkelman also stated that he hired a hydrologist to review the culvert, who determined that there was no flow. J. Winkelman continued to voice his concerns about the proposed system, stating that he believes that water will percolate down through the stone, and the water will not reach the manhole. R. Kirby suggested that a cross section might be clarifying. W. Lohe also suggested improvements for the provided aerial photo, including making it a higher resolution picture and identifying the wetland and pipe location on the image.

L. Muthuswamy, of 135 Lagrange Street, stated that water has significantly encroached on her yard. She believes the sump pump forces water into her lot. She stated that she has shared pictures with Tom Brady of flooding events since 2017. Another neighbor, unnamed, confirmed that the amount of water has significantly increased.

R. Schnoor thanked everyone for their comments. The Commission scheduled a site visit for 8 AM next Wednesday, July 31<sup>st</sup>. T. Brady asked that the applicant stake the trench. R. Fisch and the other abutters present at the meeting gave the Commission permission to enter their properties. S. Fisch inquired about what standards need to be met for the Commission to accept the plan as satisfactory. T. Brady stated that the engineer who designed the system has to argue that it will work and the Commission must concur that it should function as designed. The standard governing the Commission is that any work done on the property cannot have an adverse impact on the wetland.

*P. Harvey moved to continue the hearing to August 20<sup>th</sup>. P. K. Mande seconded. All in favor.*

The Commission took a quick recess.

## **DISCUSSION OF RESTORATION OF 325 HEATH STREET CONSERVATION RESTRICTION**

A. Rossi, homeowner of 325 Heath Street, was present to discuss the 325 Heath Street Conservation Restriction. He stated that since the Conservation Commission's last meeting, he has met with two landscape architects and has developed a restoration plan incorporating plantings that are present in the Conservation Restriction. He informed the Commission that a wall was built 5 feet from the Conservation Area, and that he has installed buffer tree plantings.

R. Schnoor inquired about the specifics of the retaining wall. A. Rossi replied that it is 3 to 4 feet high and is made of concrete. The Commission and A. Rossi discussed how the specific plantings were determined. It was suggested that the blue spruces included in the plan be replaced with white pines. A. Rossi stated that he would make those revisions. A. Rossi inquired about whether he would be able to install drip lines for the newly established plantings. T. Brady replied that he was able to do so. P. Harvey voiced a suggestion that the plants be positioned in a more naturalistic manner. T. Brady asked that the plants be placed and the Commission be contacted to look at their locations before they are planted. A. Rossi agreed. T. Brady stated that he would communicate with A. Rossi regarding what was discussed at this meeting and what the next steps should be. Once T. Brady receives communication back that A. Rossi concurs with the contents of his letter, T. Brady will ask the Commission's approval to lift the cease and desist.

## **OPEN SPACE AND RECREATION PLAN UPDATE**

T. Brady stated that we have received a proof, and hope the plan will go to production this week. We will post on the web and get a press release out before the release of the plan.

## **MUDDY RIVER REVIEW**

T. Brady stated that are bids due soon.

## **STAFF UPDATE**

T. Brady stated that he has been in communication with an eagle scout about possible projects. He also stated that he will send Weston and Sampson's climate recommendations to the Commission. The Country Club is getting ready to come before the Commission regarding dredge work. T. Brady stated that he has been speaking with a neighbor of the Longyear Estate, as the estate is redoing their exterior walls. The neighbor wishes the work to be done from the inside (which is a Conservation Restriction area). T. Brady stated that he declined to accommodate that person's request. T. Brady also said that water quality testing will be done soon for Hall's Pond. T. Brady stated that in regards to the Brookline Reservoir project, the Town has had to redo all the pipe work to allow for discharge, if need be.

**ADJOURN**

*W. Lohé moved to adjourn the meeting. P. Mande seconded. All in favor.*

*Minutes prepared by K. Weatherseed*