

Somerville Conservation Commission  
May 22, 2002  
Minutes

**Open Meeting/Introductions**

The meeting was opened at 7:00 pm by Cassandra Koutalidis, Chair. Additionally Present were: Conservation Commission (CC) members: Elisabeth Miley, Michael Fager, John Reinhardt, Leslie Brayton, Rachel Evans, Delia Kay, and Associate Members, Janet McGowan and John Buchheit, and agent, Anne Phelps. Other attendees who signed in were: Thomas Jones (DPW), Brian Lawlor (architect for DPW), Sarah Whiting, Ron Witte, Jack Gonsalves, Marian Berkowitz, Gina Foglia, Ann Capobianco, Taro Hatanaka, David Turin, Wendy Mason, and Paula Stuart.

Minutes from April 24, 2002 meeting were reviewed previously on-line. John R. made minor modifications to presentation on “green roofs,” to effect that green roofs serve to reduce initial magnitude of stormwater runoff. Cassandra moved to approve the minutes, as amended. Delia K. seconded. All approved.

Agenda: Elisabeth M. added report on “Healthy Communities Visioning Session” under “New Business. Anne handed out Open Space response form from Ezra Glenn to get responses regarding new Open Space Plan. Anne wants to expand Aldersey Street item to include other reviews for OHCD.

**Administration**

New Commissioner update: The Mayor’s last nominee, Marea Beeman, withdrew after Rachel E. spoke to her. Maria cited her lack of appropriate background and experience as reason for the withdrawal. Now the mayor has asked Lisa Brukilacchio to fill Rachel’s place on the CC. Cassandra e-mailed Heather Rowe to advise her the CC would work with anyone the Mayor nominated. Cassandra urged others who might be interested in serving on the CC to send in their resumes. John B. declined, but Janet M. said she will submit her resume tomorrow to the mayor. Discussion followed. Rachel E. said the CC should be more involved in new CC appointments, especially at Board of Aldermen’s meetings in which Appointees are confirmed. Rachel said that though the mayor proposes, the Bd. of Aldermen’s Committee on Confirmation of Appointments still must approve those nominations. CC members could attend those meetings. Cassandra said one commissioner might oppose and another support a particular nominee. Rachel said the Clerk of Committees will post announcements of meetings of different committees, but the agenda is often vague. Delia asked Rachel if she would be willing to check those agendas and report back to the CC about upcoming issues of interest. Rachel said Lisa B. was nominated at the last Bd. of Aldermen's meeting.

Possible change in meeting schedule: Cassandra said that it had been mentioned that maybe the CC should meet more often than once a month – maybe once every 3 weeks. She urged all the board members to think about it and come back to the next meeting.

Maybe the CC could meet every 2 weeks, with one a short meeting. Rachel suggested a special procedural meeting to discuss how the board could work together more efficiently. Leslie suggested the CC delay such a meeting until after IKEA. The CC could e-mail each other about such a meeting.

### **Budget Update**

Operating Budget: Leslie made a request for some printed material related to Biodiversity Days. Anne said we only have \$8 left in the budget, unless the CC takes something else out of it. She said Ellen Maas is dropping off some Biodiversity Days workbooks, and she'll get one to Leslie. Anne said the \$500 for Avey signs could be put off. At the moment, the CC has \$932, with additional commitments, will leave just \$8.55.

Revolving Budget: \$2182 in garden fund, and Anne is worried the Bd. of Aldermen will not let the CC roll over that money. Anne is trying to work out an arrangement with Nick Sacca to run the 1" water pipe for Durrell. Leslie says we need permission from DPW to do that, but Anne has been e-mailing David Dow to keep him informed. One other way to try to spend that money is to talk to Gina Foglia, to pay her to do some drawings for Partridge. Cassandra asked Gina if she might be interested, and some discussion followed. Another way to spend it is on the Tufts garden fence. Cassandra asked, if all things were equal, which of the 3 propositions is most preferred. Michael said Tufts should be last, and Michael said one of the people attending the Partridge meetings knows someone who may donate a design for that garden. **Rachel moved that Anne try to get the 1" water line installed for Durrell, and if those plans fall through, we requisition drawings for Partridge. Cassandra seconded. All in favor.**

### **Old Business**

DEP Variance Letter: John R. wrote a letter in response to the MWRA's proposed extension of the CSO control plan for Alewife Brook. The final determination on the variance was issued by DEP on May 8<sup>th</sup>, 2002, and extends the variance for CSO discharges to Alewife Brook/Upper Mystic River Basin from March 5<sup>th</sup> 2002 to September 5<sup>th</sup> 2003. John said his letter asked the MWRA in Cambridge to use this time to get more information. A copy of John's letter was passed around for everyone to see.

IKEA update: The hearing is scheduled for May 29<sup>th</sup>, 7pm, Bd. of Aldermen's chambers at Somerville City Hall. Rachel said she will be out of town on that date, and Delia will not be there. Cassandra reported on selection of a consultant for the stormwater 3<sup>rd</sup> – party review. Cassandra said four firms were invited to bid; she recommended Montgomery Watson, but they never responded. One company bid late. Horsley & Whitten sent in a bid and Green International sent in a bid. It came down to 2 proposals. The company with the higher bid indicated they could do it for the (lower) bid of the other company. Green International has previous experience with Assembly Square, has done the Assembly Square utility study already and is familiar with what's in the ground; they're familiar with stormwater management design, and they've done 3<sup>rd</sup> – party reviews before. They didn't address the RFP, but OHCD said they've been easy to work with, and after talking to them, Cassandra thought we could work with them. Also, Green is local,

while Horsley & Whitten are off the Cape, and didn't respond very well to the RFP. They didn't even say they would go to the site. So, Cassandra picked Green, and right after that IKEA sent a check to OHCD for the review. Cassandra invited any board members who are interested to come to a meeting with Green to be set sometime for the following week. She said she asked Green to consider whether the VHB plan made sense. She asked Green to try to answer the question, if Green were doing the stormwater plan, would they do it this way. Green is clear they are working for the CC, not for OHCD (although the contract comes through OHCD). Elisabeth mentioned that the city has submitted a new Master Plan to her agency (DHCD). It relates to traffic, land use, and zoning. Anne said that she had received a letter from Mystic View Task Force regarding the IKEA development proposal and asked whether the CC wanted it before or after the hearing opened. Cassandra said she didn't want it before the hearing, that she wouldn't look at it before then.

319 Grant update: Anne said the scope is essentially finished and she's finishing up the budget. Anne would administer the grant, though most of the money would go through DPW. Water quality testing of stormwater outflow is being done by the city, but does not include outflow from the StormTreat system. Water testing will be required by the 319 grant of the retrofitted storm drain. After some discussion, it was suggested that the CC wants to figure out a way to do some sampling of the Stormtreat system installed with the CZM grant. Anne needs to check and see if Thom has any data at all from testing the water through the CZM –funded retrofitted storm drain.

Lincoln School: Cassandra asked for input from the reviewers.

Rachel said she requested some additional information that wasn't provided – after looking at historic deeds of property and 1973 Article 97, it was not clear what parcels were acquired by the city at what point and how they were transferred to the city. Rachel said she asked for a site plan that showed book and page references for the individual parcels before it was converted to city land. But, she said she doesn't know if that is directly relevant or not. The Article 97 language in 1973 converted a portion of the property to school use that had, at that point been open space, and specified that 1.5 acres of the entire park would be school use. It specified exactly where on that parcel the school would be located, so within the provisions allowed by the legislature they can't move the building. Rachel said she cannot verify any of the information provided to the CC about the acreage or how that comports with the individual deeds or how that comports with what proportion of the full lot is used for school use and what in the future will be used for school use. Rachel said she would like a site plan that shows the original layout of the property before it was converted to school use in 1973, so it would show the original individual parcels on a plan of the size of the full Lincoln Park, so the CC could see how those 12 or 15 parcels...what the meets and bounds or the acreage was of those...and then to tally them up and see that they comport with what there now is. If someone did a full title search there's a full title report on someone's desk that gives this information, but it may not have been clear that that was what was wanted or if that would be provided if it had been known. Cassandra asked if Rachel wanted to go back to the original establishing of Lincoln Park or to the 1973 boundaries. Rachel said the 1973 document does not give the meets and bounds; it simply says there is a park

consisting of 7.12 acres. When the city took this land for Lincoln Park, someone added up all those lots and came up with a new plan and identified the full parcel as 7.12 acres. There is a report somewhere that correlates the park with the parcels from which it was made. Rachel says this is not integral to the CC decision, but would be helpful background information. Rachel said the question before the CC is not so much whether the new use of the park is equal to the present use of the park. It's not before the CC whether it will save the city money if they keep the building while they build a new building. Rachel says the CC has to decide whether this land the city proposes to take for school use is needed open space, whether it's surplus open space, whether it is a loss to conservation open space purposes to allow this conversion/to support this conversion.

Leslie said she doesn't have any additional comments about the material she reviewed.

Elisabeth said she looked at it from a planner's point of view. She said she tried to understand why this configuration was the best of all options. Since the CC wasn't involved in the process of planning and didn't get to see the other options, she said she had to give that process the benefit of the doubt. Elisabeth said she thinks this is about whether this is an equal swap, or whether there's some loss of park land here. She said she was concerned about whether there was an increase in impervious surface, and said since the CC doesn't know what the actual dimensions are there's no way to calculate the area of the footprint based on these drawings.

Michael said he read the ENF, which he found lacking in information he needed to have. He went to Lincoln Park and walked around and looked at it. Michael said he thought what the CC has to decide, whether or not this is surplus open space or the other two areas, is not addressed by this document. Michael says, if the CC believes what the city solicitor, Lisa Mead tells us [the CC], the only grounds for making a decision is whether or not the land is surplus to municipal, conservation and open space needs, and he doesn't think the document which was provided by Lisa Mead and was attached to the memo [below] to help guide the CC in that decision, addresses those issues.

Cassandra said this is taken from a memorandum addressed to her from Lisa Mead dated May 20 and delivered to the Commission today. Two people said they didn't get it. Cassandra read it (document placed in CC files), and below:

“Reference is made to the above captioned matter and your deliberations in this project. In that connection, I have been requested by Tom Jones to clarify for you the vote needed for purposes of EOEA Article 97 Land Disposition in regards to moving the school on an existing park. As I am sure you are aware, as a general rule, “EOEA and its agencies shall not sell, transfer, lease, relinquish, release, alienate or change the control or use of any right or interest of the Commonwealth in and to Article 97 land. The goal of the policy is *to ensure no net loss* of Article 97 lands under the ownership of the Commonwealth and its political subdivisions. Exceptions shall be governed by the conditions in this policy.” (EOEA Article 97 Land Disposition Policy emphasis added).

“Pursuant to the policy, the EOEI requires a unanimous vote of the Conservation Commission that states: “The Article 97 land is surplus to municipal, conservation, and open space needs.” The analysis that takes place must therefore necessarily focus on those three questions. In all instances the removal of the existing Lincoln Park school from one part of the site to the other actually creates more dedicated open and park space for the city. (See Declaration of Change of use attached which is before the Board of Alderman.) Additionally, the land is not designated conservation land for the city.

“It has come to my attention that the board is concerned about how another project was handled and therefore is reviewing this request in light of those facts. I have attached for you a recent Superior Court decision that makes it very clear that the Commission must focus on the question before it, in light of the analysis required by the appropriate regulations and laws which govern the particular issue before the Commission.

“I hope this clears up any questions you may have had. Should you require further information, please forward your request to Frank Wright or me from my office.”

Cassandra then said she would respond to Lisa regarding the attached Superior Court decision, which related to a previous comment by Cassandra regarding Edgerly School.

Michael said he thinks the CC can make a determination within the three areas that Lisa Meade says the CC has to, but the CC needs more information. Michael asked if the proponents of the plan were present for questions.

Cassandra said she reviewed the material, concentrating on the site plan. She said she was looking for a site plan stamped by a surveyor that would show the existing park with the existing parcel within the park ..and that the same would be done for the proposed school so that you could see the area in question, from the existing to the proposed, was measured out. She asked if Lincoln Parkway might be widened to encroach upon the park. She said she wanted stamped drawings that would not be changed. John said [that it sounded like] she wanted a commitment that the plans wouldn't be changed. She said she wasn't comfortable evaluating the switch without having a quantifiable number. Rachel said the information she [Rachel] was looking for ...could be supplanted by what Cassandra was asking for...which would satisfy Rachel's request, too, if the CC had a plan that showed the current dimensions of the property and the current dimensions of the building that could be compared with a similar plan showing the proposed dimensions.

Michael and Cassandra agreed the CC should focus on 3 issues identified in Lisa's memo: whether the open space is “surplus to municipal, conservation, and open space needs.” Cassandra said that a surveyor should be able to verify the size of the property, using AutoCAD to verify the acreage values.

The initial question is – is this open space “surplus.” Does the land have a unique value, and does the land proposed to replace it have equal value. The Article 97 language says there should be “no net loss,” but doesn’t say how to measure the value.

Rachel asked who determines the language to be used for the Article 97 approval. Michael responded that the CC is not here to determine the language.

After further discussion about the size of the acreage previously accorded to the school versus the park, and the changes proposed, Brian Lawlor, the consulting engineer to DPW on the Lincoln plans, spoke about the acreage. He said that there was no plan attached to the 1973 Article 97 land transfer. The site plans prior to that consist of a whole series of small parcels. Since 5.63 acres was given as the acreage of parkland in 1973, SMMA determined to design a plan to make sure there is no loss from that number. He said the stated acreage numbers in the ENF are based on survey calculations and are precise. He said the proposed new plans include a reduction of .03 acre of impervious area. The current park acreage is actually 5.51 acres. The future-stated park acreage of 5.86-5.95 acres includes a dual-use area where buses will turn around to drop off children, and an area [adjacent to the school] that the school principal asked to be covered with asphalt for the children to play on at recess.

Members of the public opposed to the project spoke:

Ron Witte (a neighbor and architect) said that the DPW architect has underestimated the space needed for roads and the bus turn-around.

Jack Gonsalves spoke about the previous ownership of some parcels included in the present park, and said, as a neighbor, he objected to the proposed configuration.

Gina Foglia, speaking as a neighbor, said she thought the city had not addressed neighborhood needs.

Tom Jones said the plan was approved by the School Building Assistance Bureau (SBAB), then came from the school department to him on 22 March, 2002.

Cassandra said her questions were:

- 1) Are the areas as delineated correct and accurate?
- 2) Are the proposed exchanges correct?
- 3) Do we need additional information before deliberation?
- 4) Do we think the changes in the school versus the park are accurate or should some areas (the paved ones, for example) that are described in the plan as park, actually be considered school land?

Anne read a letter into the minutes from Jeff Levine, dated May 21, 2002, and written in support of the project:

“Dear Ms. Koutalidis:

“I am writing as a Ward 2 resident and homeowner, and as a frequent user of Lincoln Park. As someone who has made an investment in the neighborhood, I strongly support the proposed new Lincoln Park Community School project, including the relocation of open space. I hope the Conservation Commission approved the planned Article 97 action.

“I have reviewed the proposed plans carefully and believe that the project will improve the quality of the open space while also improving the school. All in all, it is a better site plan than the existing one. Although the proposed site plan will divide the open space into two primary areas, the fact is that this division essentially already exists between the ball field to the west of the basketball courts and the ball field to the right of the courts. The new configuration will allow the creation of a soccer field, a welcome addition in this neighborhood. In addition, it will provide an open space along Washington Street, a welcome break on a heavily developed roadway.

“While I am sympathetic to the fact that the Conservation Commission has had a limited time to review this project, that issue should not jeopardize an important project for the future of Ward 2. The current plans were developed through a public process over the last couple of years, and represent the best way to improve the site while taking into account the need to retain the existing school during construction of the new school. The conservation Commission should view this project as an exciting opportunity to help program and shape the open space that will be created along Washington Street.

“Thank you for the opportunity to comment on this project. I am unable to attend your meeting on May 22, or I would come in person and be available for further discussion.”

John said he thinks the “meta issue” is the quality of open space, but said the big question is whether the space is equivalent. John asked, “Are we degrading Lincoln Park by approving this project?” He said the decreased visibility of the park in the new plan means the park is “less valuable.” Presently, many houses have direct lines of vision over most of the park. The new (proposed) configuration will cut off the park from Washington Street (due to the grade), from Lincoln Parkway residents, because of the school building, and the third line of residents will have a very obstructed view because of the vegetative buffer strip alongside the new access road. All of this makes the proposed park significantly less visible, and therefore less secure and safe for the community. Because the park would be less safe, the park would be used less and have less value to the community.

Michael said that the legislature made its decision in 1973 and that the school land was designated at that time, so he doesn’t see a need to change it now. He said he thought the

proposal was disingenuous in saying there is no net loss of park land, given that the amount of parkland they are going to use [for other purposes] is greater than the amount outlined in the proposal. He also said that the park was created for the neighborhood, and, while the park is far from pristine, he thinks it works really well for Somerville.

Cassandra asked for a “straw vote.”

Those in favor without changes: 3

Those opposed: 1-2

**Rachel moves to approve the project pursuant to the Article 97 conversion of two portions of Lincoln Park, equal to 1.81 acres, more or less, to school land. Elisabeth seconded.** Discussion followed. **Elisabeth moved to amend the language of the Article 97 petition to omit the language that sets out specific uses of the park land. Michael seconded.**

**Vote to approve the amended motion=4**

**Vote opposed=2 (John & Michael)**

**Abstaining=1 (Rachel)**

### **New Business**

Aldersey: CC asked Anne to ask Kristin what are the chances that the proposal will be heard at the next hearing.

Elisabeth agreed to e-mail information on the healthy Communities Visioning Session she attended.

### **North Point DEIR**

Someone should write a comment letter to MEPA; it is due by June 7<sup>th</sup> (?). Perhaps there is critical wildlife habitat on the site. It is owned by Gilford Transportation.

All other items were tabled until the next meeting.

**Rachel moved to adjourn at 11:10. Cassandra seconded.**