



## City of Cambridge Conservation Commission

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### Public Meeting – Monday, August 15, 2022 at 7:00 PM Zoom MEETING MINUTES

The following meeting minutes were taken by Tracy Dwyer and are respectfully submitted.

Present Commission Members: Jennifer Letourneau (Director), Purvi Patel (Chair), David Lyons (Vice Chair), Kathryn Hess, Michelle Lane, Elysse Magnotto-Cleary, Erum Sattar

Absent Commission Members: Kaki Martin

Attendees: Tracy Dwyer, DPW

Purvi Patel opened the meeting.

#### **7:00 – Administrative Topics**

**7:02** – Meeting Minutes approved from July 25, 2022.

5 – In Favor, 1 - Absent, 0 – Opposed, 1 – Abstained

Jennifer edited the notes from David Lyons from the May meeting. Jennifer said back in May they talked about processes, process standards and completeness of applications. Jennifer stated that recently they got some feed back from the DEP and wanted to remind everyone that the DEP receives NOI's at the same time the commission receives them. Jennifer and the DEP are reviewing them for completeness and once it is received the clock starts and the hearing needs to be held within twenty-one (21) days. Jennifer said she checks the DEP website for comments and updates but does not always hear back from DEP via email whether the NOI is complete. Jennifer stated that she often will hear from the DEP after the twenty-one (21) days and hearing whether the NOI's were complete. Jennifer said she is always checking the DEP website within five (5) days of the hearing to see if there are any updates. She said that the DEP will only issue a DEP file number if the application is complete, and they have received the filing fee. Jennifer said that the commission can only approve an order of conditions after a DEP file number has been issued. Jennifer stated that the commission can open the hearing and hear from the applicant, but the commission can not approve an order of conditions without the DEP file number being issued.

David Lyons asked if the commission is always holding a hearing within the twenty-one (21) days even if there is no DEP file number.

Jennifer stated yes, the commission has opened them and administratively continued them with the proponents being present. There have also been cases where there is an incompleteness of an NOI, and the applicant has agreed to a continuance until the completeness was there.

David asked also if it was in writing if it was not within the twenty-one (21) days and Jennifer stated yes.

David stated there is recent case law on constructive grants if the commission does not act timely it's for a local bylaw, but he thinks it's still relevant to the Conservation Commission.

Jennifer agreed it's important for the commission to meet those deadlines. Jennifer said she tries to document whether applicant will be continued or not on the agenda. Jennifer stated that sometimes these deadlines come hard and fast when applicants are not necessarily amenable, and they know they have twenty-one (21) days and then it moves up to DEP to issue something.

Purvi Patel asked if an application is incomplete does the commission need to have a hearing for the project to recognize it or does it get sent back to them for to complete it. Jennifer stated it gets sent back to them to complete the application. Jennifer stated that the commission does not have to open a hearing until the application is complete.

Jennifer went to the next topic on the list. Delegating members to specific applications for site visits, plan review and decision drafting. Jennifer stated that this is a good point David brought up and she said when the commission needed to hold a site visit, they were scheduled and that a quorum wasn't always needed or present. Jennifer stated that she has put together a PDF PowerPoint and if commission members do want to do a site visit and upload the pictures and add some descriptions to present to the commission, they are more than welcomed to do that. Jennifer said it's helpful when not everyone can attend the site visits to be able to show pictures for the existing conditions.

Jennifer moved down the list to the new member orientation. Elysse had drafted the document and the commission is reviewing it and making edits as needed.

Next topic, Review permitted compliance with decisions. Jennifer stated she tries at the end of each meeting to talk about projects that they are meeting about or not meeting about and what might be coming up to the commission. Jennifer said she is working on a more formal reporting administratively for the commission. She will be reporting on active construction and those that aren't active.

Jennifer reported to the commission that Eversource's Greater Energy Project will be working out on the barge doing their borings in the river which the commission permitted them for.

Jennifer stated that if anyone on the commission was interested in the operation, they could go see them off Magazine Beach the 17-19 of August.

Process for receiving and reviewing reports per meeting minutes must file. Jennifer said that some projects that were permitted do require a report and those reports tend to come in over the winter January and February. Jennifer will make a list this fall for the projects that require reporting that are active and will report to commission on a timeframe for those reports.

Kathryn Hess asked if the reports get submitted electronically. Jennifer said that typically the reports do get sent to her as a PDF file.

Kathryn asked if the commission would meet in January-March timeframe to review and discuss reports. Jennifer said these reports are typically reviewed and not discussed. The reports are just summaries of the work, but that is a good point that maybe we can update the special conditions to say they will need to submit a PDF of the report as well as scheduling a fifteen-minute presentation to the commission with slides to summarize the work.

Purvi asked the frequency of that. Jennifer said that it's annually, so she feels like it's not a huge lift. Erum agrees with Purvi for a presentation. Michelle and David both agree too. Elysse also agrees. Jennifer will add in the into the special conditions a fifteen-minute presentation for the commission on the annual reporting.

Purvi asked if at the next meeting Jennifer remind the commission about which projects this would apply to. Jennifer said she will have for the September meeting a current annual report list for the commission and she will also have a draft of the special conditions so the commission can review the language.

Charging applicants for fees for Third Party Review consultants. Jennifer said that the commission had heard previously from Jim Wilcox about this topic. As of right now DPW agrees to pay those fees. DPW feels confident that this has worked well that they are getting the right people to do the reviews. Jennifer said like for the aquatic vegetation management they were able to get someone who knew exactly what they were talking about with all the proprietary treatments that were being discussed for that project.

Process for commenting on applications before other city commissions. Jennifer stated it's a good point and when talking with Jim they feel like the commission as a group feel strongly and would like to comment they can. Jennifer also said as an individual resident members can also comment but she stated people should identify themselves before commenting whether you are commenting on behalf of a Cambridge resident or as a member of the Conservation Commission on behalf of the group.

David stated he put that one in there because after looking at the Planning Board special permit process for the Stormwater and like how we discussed with the Magoun Street project. David stated it had some language in there like "the Conservation Commission shall comment to the Planning Board" and they went through that process already. David also said if Jennifer is involved already that is fine.

Jennifer stated that Kathy Watkins, the City Engineer has agreed to come and talk to the commission about the other permitting processes, different planning as well as is there any area that is vulnerable that would benefit from a Conservation Commission bylaw that isn't already being addressed in other ways. Jennifer stated that Tracy Dwyer and herself will work on a date with Kathy and the commission. Purvi stated she really appreciates this, she said she was always wondering here there was a gap or where can we be a little more protective.

Jennifer stated that the commission is fully remote till March of 2023 and thanked Elysse for the letter she shared. Jennifer said it's to be determined what happens after March 2023. Jennifer said there will be upgrades happening at DPW for more hybrid meetings.

Jennifer said that the last topic is cataloguing the wetlands in the city. Jennifer said there is a GIS layer, but it's been two decades since it's been updated and thinks since it's been a long time it might be a good idea to ask the city to do another round of checking that GIS layer and having a new document.

Purvi said that DEP does a wetland change mapping. Purvi asked if it was more than twenty (20) years ago, she thought it was more recent. She stated that she thinks the city's mapping is much more specific. Jennifer thought it was 2003 when it was done last done, but she can check.

Jennifer moved on to the draft Administrative Guide for Commission Members. She asked if there were any comments, questions, or edits for the document. Jennifer said that the MACC fees have been submitted for the commission members for this year and she said they have those resources to reference.

Elysse stated that when she was putting the guide together, she kept going back to the MACC website to reference.

Jennifer stated she thinks the document is great. Jennifer explained when terms are expiring for the member's, the member will get an email from Tracy and herself and then they work with the City Manager's office to get you on the City Council agenda to get continued for another three years. Elysse said she was never sworn in for the second term and was wondering if she needed to do that. Jennifer said she would check in to see with the City Clerk's office on the requirements.

Jennifer said the information on the MACC membership and the Mullin Rule is all great information. Jennifer said once they have the 2023 meeting dates and all the past 2022 meeting minutes, she said this would be a great stand-alone document.

Kathryn asked if they were hanging too many things on and feels as though this should be a living document when we need to update it. Kathryn felt even with the members listed with the terms it's a document that must be updated. She said maybe it's a good thing it force them to keep it updated and she feels it's a good idea for it to all be in one document. Elysse said they could use hyper links so when the city's website is updated then the links would be directed to current information and less work updating the document. Erum stated that sometimes when you click on links the link does not work. She feels that the document will need to be kept alive along with the links. She said she likes the completeness of it all and feels it very helpful. Elysse said she would continue updating it.

Jennifer stated how everyone feels about Tracy, Elysse and herself working on getting all the hyper links into the document and sharing it to the commission in November and have everyone time to click on links and make sure everything works. Erum agrees. Kathryn said she would like to retract her comment because the more she thinks about the more she realizes there isn't a place where she can go and find all the names. She asked if the members are listed anywhere online. Jennifer said there is a boards and commissions webpage but it's a work in progress. Jennifer said she thinks it's good to have all this information in one place.

Purvi stated that when she looks at other boards and commission webpages there are two types of software, they use it's either emails get sent through a portal or there are individual email addresses listed. Purvi said the city has a different approach and she said at one point has mentioned that she could even locate her name. Jennifer said that the city is working on board and commissions webpage for meeting schedules, meeting minutes, videos, etc. Jennifer said in the meantime she would work with city staff to make sure the conservation commission information is up to date.

Kathryn stated maybe our conservation webpage can link to their commissions page and make sure that all member's email addresses, addresses and phone numbers are up to date. Kathryn said the conservation commission webpage currently has very basic information and it's hard to tell who the targeted audience is. Jennifer agreed and said when the website was being put together years ago and trying to explain to an IT person what a conservation commission did was a very difficult conversation.

Jennifer recapped for the next meeting she owes the commission a list of what projects owe the commission annual reports, a draft of special condition language that states with an annual report there is also a fifteen-minute presentation to the commission as well as to work with Elyse and Tracy on the administrative document and the hyper links for November. Also, she will work on a date for Kathy Watkins to come to a meeting.

**7:46 - Meeting Adjourned**

6 – In Favor, 1 - Absent, 0 – Opposed, 0 – Abstained