



Mayor Joseph C. Sullivan

Department of Planning and Community Development

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Braintree Conservation Commission

Heather Charles Lis, Chair
Donald Murphy, Vice-Chair
Alan Weinberg, Clerk
Joyce Albrecht
Kevin Bears
Diane Francis
Gail Poliner-Feldman

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, FEBRUARY 1, 2018, 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Joyce Albrecht, Heather Charles Lis, Gail Feldman, Donald (Gus) Murphy Alan Weinberg & Kelly Phelan, Staff

Absent: Kevin Bears, Diane Francis

Public Hearings

APPROVED

Notice of Intent 8-641 128 Town St/BSC Partners LLC & Town of Braintree (continued from 12/7/17 without testimony)

Scott Lacy, Attorney for the applicant was present with Nick Facendola, Level One Design. Mr. Lacy said it had been a considerable amount of time since they were last before the Commission for this recreational sports facility project. The Commission had requested a peer review of the drainage and Peter Williams, GZA Geoenvironmental had been engaged to review the project. Mr. Williams also reviewed it for the Planning Board. Significant changes have been made; the size of the building has been reduced from 157,160 square feet to 87,710 square feet. They eliminated the indoor turf field. The building will contain two ice rinks and an Olympic sized pool and ancillary areas such as concession, lockers rooms etc. Mr. Lacy said the Planning Board approved the project last Thursday with several conditions. Many of the conditions required plan changes and they will deliver the revised plans to Conservation staff next week.

Mr. Facendola gave an overview of the drainage system. He said the system includes subsurface infiltration basins as well as rain gardens in the parking lot which tie into the subsurface units. The subsurface basins discharge to an existing headwall at the rear of the site to the wetland area.

Ms. Charles Lis asked Mr. Facendola to go explain how the project complies with each of the stormwater standards.

Mr. Facendola addressed the standards. Standard #1 requires no untreated discharge. Mr. Facendola said there is one main discharge point and everything is treated by either the rain gardens or CDS unit prior to discharge. Standard #2: reduce peak rate of flow. Mr. Facendola said the pre and post development rates of flow are very similar.

Mr. Facendola said they meet standard #3 for recharge to groundwater through the use of the subsurface infiltration basins and exceed the amount required to be recharged. Standard #4 for TSS removal is met through the rain gardens and CDS unit. Standard #5 doesn't apply as it is not a site with higher potential pollutant loads. Standard #6 doesn't apply as the project does not discharge to a critical area. Standard #7 requires redevelopment to comply with certain standards; he said they fully meet all of the standards. Standard #8 requires erosion control and they have prepared an erosion control plan including silt sacks in catch basins, silt fence and haybales. Standard #9 requires an Operation and Maintenance Plan. They are still working out the responsibility for long-term maintenance with the Town but will resolve that. Standard #10 requires an illicit discharge statement; it will be included in the stormwater management report.

Peter Williams, the peer review engineer for the Town, summarized his review. He said there had been a number of revisions and changes to the plans. He had requested additional groundwater elevation and test pit data. The infiltration units have been raised up to provide separation to groundwater and subdrains turned off. The rain gardens were added. A trench drain to the north was added to direct runoff away from the track. An outstanding issue regarding exfiltration rates was resolved. The design engineer used a different method than typical (saturated conductivity) and the data inputs to that model needed to be confirmed. Additional soil test pits are recommended during construction. An inspection manhole was added to the isolator row of the subsurface infiltration system.

Ms. Charles Lis asked if there was public comment. Charles Johnson from Andersen Rd. said he wanted to understand where the drainage was going. Mr. Facendola and Mr. Lacy pointed out the system on the site plan and an aerial photo. Mr. Facendola said the water is going toward the wetland as it already does. It will go into a large chamber underground and reduce the flow toward the headwall/outlet. Ms. Feldman asked Mr. Williams if he checked this. Mr. Williams indicated that he did.

Mr. Lacy said they will have the revised plans in to staff the following week. Staff will review and can draft conditions provided plans received next week.

Motion by Ms. Feldman to continue the hearing to March 1 for draft conditions. Second by Mr. Weinberg. Vote: 5-0-0.

Notice of Intent 8-660 Washington St. Sports Complex (Map 1053, Plot 12H & Map 1050, Plot 14)/Edge Sports Group

Phil Cordeiro, engineer from Allen & Major Associates, Inc. was present on behalf of the applicant, Edge Sports Group. Bill Stephenson of Thayer Academy, owner of the property, was also present.

Mr. Cordeiro said they had presented an overview of the project at the December meeting and reviewed the staff report at that time. The January meeting was cancelled due to weather. Since then, they have revised the plans and provided a written response to the staff report. He said the Mean Annual High Water of Cranberry Brook was flagged in the field and the Riverfront line adjusted accordingly. They provided additional documentation on the isolator row in the subsurface infiltration system. They made housekeeping changes to the Operation and Maintenance Plan. They also revised the plans to remove the new discharge they had originally proposed and will use the existing detention basin as staff suggested.

Mr. Cordeiro said the plans still reflect the build-out of the reserve parking area. There are 46 spaces and a drive aisle on the plans that will only be constructed if they are found to be needed by the Planning Board after 12 months of monitoring. He distributed a graphic to illustrate this. The image on the left depicts the parking constructed. The image on the right depicts it as unconstructed. Ms. Feldman asked how far the area is to the river. Mr. Cordeiro said it is within the inner riparian (inner 100 feet of Riverfront Area).

Ms. Charles Lis asked why a variance from the parking requirement was not being pursued. Mr. Cordeiro said he was told by the Planning staff that they can't obtain a variance as there is not a hardship. Ms. Charles Lis asked for clarification on this. Staff will request clarification.

Ms. Charles Lis asked Mr. Cordeiro to explain to how they comply with the Riverfront Area standard to improve existing conditions. Mr. Cordeiro said now there is only a rip rap slope on the western end, if the retaining wall is constructed that is considered a more stable measure. They could also make vegetative improvements at the toe of the slope. If the reserved parking is approved by the Planning Board, they will have room at the top of the rip rap to make vegetative improvements. The process for dealing with this issue was discussed. Mr. Cordeiro said they are asking to have the plan with the constructed reserve parking approved. If the Planning Board does not require the reserve parking to be constructed, they will come back to the Commission to have the decision amended to reflect that the parking will not be constructed.

Motion by Mr. Weinberg to continue the hearing to March 1 for draft conditions. Second by Mr. Murphy. Vote: 5-0-0.

**Request for Determination of Applicability
8-10 Arnold St. & 71 Adams St./Adams St. LLC**

Garrett Tunison, wetland scientist, was present on behalf of Adams St. LLC. Mr. Tunison said DEP requested additional soil borings with in the Riverfront Area and Bordering Land Subject to Flooding. They also requested a fence be installed to prevent people from accessing the river in this area. The fence is 37 feet and spans from the bridge to the town pump facility.

Ms. Feldman asked if the fence was temporary until the site is cleaned up. Mr. Tunison said that is the hope.

Ms. Charles Lis suggested Mr. Tunison oversee the soil borings as he has done in the past, particularly to avoid impacts to native vegetation.

Motion by Mr. Weinberg to issue a negative Determination of Applicability with conditions as drafted and amended to include oversight of soil borings by a wetland scientist or other qualified professional. Second by Ms. Feldman. Vote: 5-0-0.

OTHER BUSINESS

Enforcement Order Update/Restoration Plan- 2 Garden Park

Brad Holmes, the project wetland scientist, was present of behalf of the property owner, Brian McGourty. Mr. Holmes presented the restoration proposal. They used the 2004 as-built plan as the basis for review and staked out the wetland line from the plan. They used that to determine the level of activity in the wetland and bordering land subject to flooding and buffer zone and riverfront area. Mr. Holmes presented the restoration plan. The green areas reflect wetlands altered without permission which will be restored by excavating fill and revegetating. The areas shaded in brown reflect areas of the buffer zone which were intended to be undisturbed and which will be restored. The hatch areas are areas of the buffer zone which were within the approved work area. These will be restored to grade and then mulched or seeded to lawn. The areas in red are areas that were constructed (parking or structures) beyond the original approval and they plan to submit a Notice of Intent to permit these areas. Mr. Holmes noted they had met with staff on site and addressed concerns she had raised; the plan was revised to restore areas of alteration on the adjacent property and to treat phragmites.

Staff said she has a concern about buffer zone B- the hatch area. That area is beyond the edge of pavement on the approved plans and was not called out or shown on the plans as an area that would be used. It is between the edge of pavement and the approved erosion control line. Ms. Charles Lis said she did not see justification for not fully restoring that area. Mr. Holmes said they will need to do more research on this area.

Ms. Charles Lis asked if when the new NOI would be filed to address the red area on the plan. Mr. Holmes said they will come back within whatever timeframe the Commission specifies. Ms. Charles Lis said she was not in favor of approving the additional pavement within the inner riparian.

Staff said a permanent limit of work will need to be established so that this encroachment does not happen again.

Ms. Charles Lis suggested herbicide should not be used to control phragmites. Mr. Weinberg said it was the best way to control phragmites.

Motion by Mr. Weinberg to continue the matter to the March 1 agenda to work out the details. Second by Ms. Albrecht. Vote: 5-0-0.

Open Space and Recreation Plan Update

Staff sent sections 7-9 of the draft Open Space and Recreation Plan for comment. She would like feedback on whether the goals and objectives are accurate. Section 7 is Analysis of Needs, including resource protection needs and needs identified by the community during the planning process as well as management needs.

Mr. Weinberg noted that the 21-acre parcel owned by the South Shore Plaza is important to protect. It was identified during the planning process.

Ms. Charles Lis suggested several additions to the Goals and Objectives and Action Plan, such as increase funding for land acquisition and utilize other tools. Staff will incorporate her notes into the final draft.

Public Lands Protection Act

Ms. Charles Lis suggested the Commission send letters of support to state senators and Chair of the Senate Ways and Means Committee for the Public Lands Protection Act which codifies existing practice of replacing land converted from Article 97 protection.

Motion by Mr. Weinberg to send letters of support for the Public Lands Protection Act. Second by Mr. Murphy. Vote: 5-0-0.

Discussion on March Meeting for Potential Hunting Policy

Staff, in consultation with the Chair, prepared a flow chart to help focus the discussion on this topic. Ms. Charles Lis requested the members address the questions on the chart one by one and vote on each. The first question is whether the Commission should consider allowing hunting on conservation land. The vote was 5-0-0 in favor of consideration.

The second question was "if hunting is allowed, should it be left only to state regulation". Ms. Feldman said the question is misleading and that state regulations won't work with our land. Ms.

Charles Lis proceeded with roll call vote. Vote: 1-4-0 (Mr. Murphy in favor, Ms. Charles Lis, Ms. Feldman, Mr. Weinberg and Ms. Albrecht opposed).

The third question addressed the Commission member's willingness to work out a policy for allowing hunting with examples of potential options that could be included in a policy, such as limiting it to certain areas, days, number of hunters, etc. Ms. Feldman said the Commission needs to discuss whether the land can support hunting before deciding whether to develop a policy. Vote: 4-1-0 (Ms. Charles Lis, Mr. Murphy, Mr. Weinberg, and Ms. Albrecht in favor and Ms. Feldman opposed).

The fourth question asked if deer hunting is allowed, should they also consider including hunting of other wildlife in the policy. Vote: 3-1-1 (Mr. Murphy, Mr. Weinberg, and Ms. Albrecht in favor, Ms. Charles Lis opposed and Ms. Feldman abstaining from the vote).

The fifth question asked if the public meeting should include an educational component, such as a presentation by MA Fish and Wildlife. Vote: 4-1-0 (Ms. Charles Lis, Mr. Murphy, Mr. Weinberg and Ms. Albrecht in favor and Ms. Feldman opposed). Ms. Feldman said the Commission already did this type of meeting and unless our land can support hunting there is no point. Ms. Charles Lis said that at least three of the members were not on the Commission at that time. Ms. Albrecht said it is important to have education on this topic. Ms. Charles Lis there have been studies that the bow-hunting may not be enough to reduce negative impacts of deer and it is important to consider all of the information and noted the abstract of the Williams paper. Ms. Feldman said she read the Cornell study that said the same thing.

Staff clarified that the public meeting should include presentations by David Stainbrook from MA Fish and Wildlife and Tom Rawinski, US Forest Service Botanist and will draft an agenda.

Approval of Minutes – November and December 2017

Motion by Mr. Murphy to accept the November 2nd minutes. Second by Mr. Weinberg. Vote: 5-0-0.

Motion by Mr. Weinberg to accept the December 7th minutes. Second by Ms. Albrecht. Vote: 4-0-1 (Mr. Murphy abstained as he was not present.)

Other

None

Adjourn

Motion by Mr. Weinberg to adjourn the meeting at 9:40 PM. Second by Ms. Albrecht. Vote: 5-0-0.