

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission

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

Staff: Kelly Phelan

**CONSERVATION COMMISSION MINUTES  
THURSDAY, JUNE 7, 2018, 7PM  
TOWN HALL- JOHNSON CHAMBERS**

Present: Joyce Albrecht, Heather Charles Lis, Gail Feldman, Diane Francis, Christopher Hayward, Alan Weinberg\*(arrived at point indicated) & Kelly Phelan, Staff

Absent: Gus Murphy

**Public Hearings**

**APPROVED**

**Request for Determination of Applicability 128 Stetson St./Duveen & Gindin**

Ali Duveen and Sergey Gindin presented their project. Ms. Duveen said a previous owner cut the trees down on the lot. Their project includes two retaining walls (one of which is already constructed), a patio, shed and a fence. Ms. Duveen said they plan to plant the rock garden in front with low growing perennials.

Staff noted that the site is across the street from Brookside Rd. and is Riverfront Area. She had recommended native shrubs be incorporated. Ms. Duveen said that shrubs would be too tall for the area and asked if they could be used in the front area of the house instead. Ms. Charles Lis suggested low-growing juniper or fragrant sumac as alternatives and incorporating a tree somewhere. Shrubs could also be planted at the top of the slope by the fence.

Abutters Nancy and Joe Mahoney said they were in support of the project.

Motion by Ms. Feldman to issue a negative Determination of Applicability for the project with conditions as drafted and amended to include planting a tree and using native plants in the rock garden, if feasible. Second by Ms. Albrecht. Vote: 5-0-0.

### **Request for Determination of Applicability Shaw St. Bridge/Town of Braintree**

John Morse, Assistant Town Engineer, was present. Mr. Morse said they are removing the bridge deck, remilling and repaving, making the repairs to the bridge deck and steel beams. He also provided photos of a containment system which would be used to prevent debris and paint chips from entering the river. Ms. Feldman asked how the river would be protected. Mr. Morse said the containment system would be a platform with sides that would be sealed up when painting. It complies with MA DOT standards.

Ms. Charles Lis asked if there was opportunity to improve existing conditions in the area. Mr. Morse said not at this location but when they do utility work up the street they may be able to upgrade the catch basins. Ms. Charles Lis said there is a catch basin almost filled with sediment in the southeast corner that should be cleaned out.

Mr. Hayward asked how low the containment system will hang. Mr. Morse said low enough for workers to stand on it when sandblasting and painting.

Andrew Bentley from 99 Shaw St. asked about access to his property during the work. Mr. Morse said they would not block driveway access. Work will start in about a month and take about three months to complete.

Motion by Ms. Feldman to issue a negative Determination of Applicability for the project with conditions as drafted. Second by Ms. Francis. Vote: 5-0-0.

### **Notice of Intent DEP File # 8- 664 2 Garden Park/2 Garden Park Realty Trust**

Brad McKenzie, engineer from McKenzie Engineering Group, was present with Cameron Larson from Ecological Consulting and Restoration and Brian McGourty. Mr. McKenzie noted the enforcement order issued in 2017 and the Commission's approval of a restoration plan. This Notice of Intent is an after fact filing to obtain approval for unpermitted work that was not included in the restoration plan. Work includes an 1150 square foot storage building and a pad within the 100 foot buffer zone to the wetland. Subsurface Cultec units are proposed for stormwater management. They also filed to keep an 875 square foot parking area within the Riverfront Area and buffer zone and proposed off-site mitigation for it. They rethought that and now agree to remove the parking and restore the area.

Mr. McKenzie gave members copies of the report on the restoration work which has been completed and noted an as-built plan is needed to confirm the grades. They have also provided an updated O&M Plan which includes all of the stormwater BMPs on the site.

Ms. Charles Lis asked why the revised materials were given to staff the day before the meeting. Mr. McKenzie said they had to do additional survey work to confirm compliance with Bordering Land Subject to Flooding standards.

Mr. Hayward said he was happy to hear that the 875 square foot pavement area was being removed and the area next to the stream would be restored. Ms. Feldman and Ms. Charles Lis agreed.

Staff said she would need to review the revised materials.

Ms. Charles Lis suggested a site visit.

Motion by Ms. Feldman and Ms. Francis to continue the hearing to the June 28<sup>th</sup> meeting. Vote: 5-0-0.

### **Notice of Intent DEP File # 8 - 661 144 Allen St. /Bogan Property Management**

Chi Man, engineer from Hardy Man Design Group, was present with Mark Bogan. Mr. Man said the 22,000 square foot lot had a building on it which was demolished and they propose a six-bay commercial building. The lot slopes from Allen St. toward the Monaquot River. Proposed stormwater management in the front consists of a deep sump catch basin, deep sump manhole and subsurface leaching galleys with an overflow to a rip rap swale to the back of the lot. The rear of the site is proposed to be paved and then a gravel area to the back of the lot with a sediment forebay, water quality basin and grass filter strip.

Mr. Man said the project was Riverfront redevelopment. He said the site is degraded and passed out a 1971 aerial photo of the site. Ms. Feldman asked what was originally there. Mr. Bogan said it was just a gravel storage area. Mr. Bogan also said he had the property extensively tested and it is clean enough to meet residential standards.

Mr. Man said they originally proposed pavement to the back of the lot near the river but revised that to leave it as gravel. They also enlarged the water quality basin in response to staff comments. Mr. Man addressed the comments in the staff report. He said they meet the Riverfront standards by not impacting the area any further and improving existing conditions. Ms. Feldman asked if they are parking on the gravel area. Mr. Bogan said it is parking now. Mr. Man continued; they added a sediment forebay to the water quality basin, they propose planting a row of beech trees at the back of the site, they added the 6 inch line from the roof to the subsurface system to the plan and updated the O&M plan.

Staff said she had requested several times a Riverfront Area restoration plan with a clear boundary (guardrail) between the active use area of the site and the restoration area. Ms. Francis asked if they plan to store vehicles in the 100 foot area to the river. Mr. Man said they do.

Mr. Hayward asked if the soil conditions would support the trees proposed. Mr. Bogan said they are in the area which is higher due to the railroad embankment.

Ms. Feldman said she would like to see the gravel parking area moved back farther from the river. Ms. Albrecht agreed.

\*Mr. Weinberg arrived.

Ms. Charles Lis said the applicant should address the Riverfront Area standards with a narrative. She said part of the site may actually fall under the new development provisions of the Riverfront Area standards as there are areas of lawn and vegetation proposed to be altered. She said the stormwater improvements are required regardless and do not necessarily constitute riverfront restoration.

Mr. Weinberg asked how far the limit of work is from the river. Mr. Man said about 120 feet (referring to the paved area). Mr. Weinberg asked how many vehicles would be on the gravel area. Mr. Bogan estimated about 10 vehicles. Mr. Weinberg said he was concerned about pollutants from the vehicles entering the river.

Mr. Hayward asked if they had done test pits in the front of the site to confirm the soil will infiltrate. Mr. Man said they used the soil boring log. Mr. Hayward suggested test pits be done and that they could be conditioned to be done at time of construction.

Mr. Weinberg asked where snow would be stockpiled. Mr. Man pointed out the location.

Mr. Weinberg asked where mechanical work on the vehicles would be done. Mr. Bogan said inside the building. He continued that his site is clean enough for residential development and he wouldn't jeopardize that. Mr. Weinberg asked if there were any underground tanks. Mr. Bogan said they dug for an old diesel tank but didn't find it and didn't find any contaminants.

#### Public comment

Jan Stankiewicz said he was concerned about safety of the children in the neighborhood with the proposal for trucks and more traffic. Mr. Bogan said his intended tenants would be painters, electricians and similar trades; people who would store equipment and vans in the bays and leave for the day.

Another abutter (unidentified) expressed similar concerns about safety of neighborhood children.

Ms. Charles Lis summarized the outstanding issues: address Riverfront Area standards, reduce gravel area and provide riverfront restoration, review O&M Plan updates, test pits will be conditioned, consider addressing Planning Board concerns, address trees to be removed and replacements and a site visit is needed. The limit of work and Riverfront Area boundary should be marked in the field for the site visit.

Motion by Mr. Weinberg to continue the hearing to the June 28 meeting. Second by Ms. Feldman. Vote: 6-0-0.

## Notice of Intent DEP File # 8 -666 531 Pond St./Franmar Properties

Attorney Frank Marinelli was present with Chris Wass, Project Manager, Academy Corporate; Steve Mataras, General Manager, Academy Braintree; Gabe Crocker, engineer with CHA; Don Rose, engineer with CHA; Alan Aukman, Ryan Associates.

Mr. Marinelli explained that Academy Bus is a charter bus service. The site consists of two parcels which will be combined to total approximately 11.19 acres. Proposed work includes relocating the fueling tank further from resource areas, constructing a new vehicle wash building, grading the site to allow bus access to the back of the 531 Pond St. building, and stormwater and landscaping improvements.

Gabe Crocker pointed out the bordering vegetated wetlands, buffer zone and Zone A of drinking water supply. He said they are moving the fueling area out of the Zone A. There are two existing discharges to the wetland from the 531 Pond St. side of the site. These will be upgraded with "Jellyfish" water quality filters appropriate for a Zone A. The Roc Sam side of the site drains to the Town's system in Roc Sam Park Rd. That discharge will be upgraded with a CDS treatment unit. A 5000 gallon oil/water separator will be on the site in the event of a fuel spill so that it can be contained.

Ms. Feldman asked if the site drains to the reservoir. Mr. Crocker said it does.

Mr. Crocker said an area of the site now is gravel and they are proposing to pave it. This will reduce sediment coming of the area.

Ms. Charles Lis asked if they are proposing to recharge the roof runoff. Mr. Crocker said they are. He said they can only do it because they are filling to access the back of the Pond St. building so they can achieve the separation to groundwater.

Mr. Crocker addressed the comments in the staff report. They have updated the O&M Plan, shown the dumpster location, the unflagged resource areas are noted on the plan for reference and a more durable curb has been added rather than Cape Cod berm.

Mr. Hayward asked if there are trees proposed in the landscape areas. Mr. Aukman said there is a red maple proposed in one of the landscape islands, arborvitaes along the fence and river birch at the front of the site on Pond St. He said there was not room to add trees along the sides due to the bus clearance required.

Ms. Charles Lis asked if they could provide more infiltration and Low Impact Development. Mr. Crocker said they can assess it. Mr. Rosa said there is not enough distance to groundwater on most of the site.

Ms. Charles Lis asked if they can pull back from the 25 foot buffer. Mr. Crocker said they will assess it. She also asked that they reconsider the use of privet as a landscape shrub because it is on the list of potentially invasive species in Connecticut.

Mr. Hayward asked that they reconsider the snow storage area close to the wetland. Mr. Crocker said they will assess that.

Motion by Mr. Weinberg to continue the hearing to June 28<sup>th</sup>. Second by Ms. Feldman. Vote: 6-0-0.

**Notice of Intent DEP File # 8-665 357 Grove St./Liberty Grove, LLC**

Garret Tunison, wetland scientist, was present. Mr. Tunison explained that the project is for the demolition of an existing building. The work is out of the 100 foot buffer zone with the exception of a small portion of access around the building which may disturb a 100 square foot area which is about 90 feet from the wetland. The building will be demolished and stockpiled in the paved area before it is removed from the site.

Ms. Charles Lis asked if they can remove any debris from the wetland. Mr. Tunison said they will be back with a proposal for the site at some point and that will be mitigation.

Public comment:

Sandra Sweeney asked if there are underground storage tanks on the site. Mr. Tunison said they were removed a long time ago.

Robert Orr asked what would be going in to the site. Mr. Tunison said he did not know; the owner is looking for a buyer.

Bill Proulx asked if it was possible for the Town to purchase the land. Staff suggested he draft a letter to the Commission to determine interest.

Motion by Mr. Weinberg to issue the Order of Conditions with conditions as drafted. Second by Ms. Feldman. Vote: 6-0-0.

**Notice of Intent DEP File # 8-(pending) 175-185 Campanelli Dr./Amazon.com.dedc.LLC**

Dwight Dunk, environmental scientist with Epsilon Associates, was present with Bryan Roslund engineer with Langan Engineering and Michael Giaimo Attorney with Robinson & Cole.

Mr. Dunk presented the proposal to repave various areas of the site which is bordered by the Farm River and associated bordering wetlands. He said there is a decrease in impervious area of 18,000 square feet due the proposed landscaping islands. He addressed the stormwater standards and noted that in response to the staff report they revised the plans to incorporate additional stormwater management; specifically two CDS units and restoration of the existing rain garden. They also updated the existing O&M Plan.

Ms. Charles Lis asked about compliance with the standard for Land Use with Higher Potential Pollutant Loads. Mr. Dunk said most pollutants adhere to sediment so by removing 80% of the annual TSS they are removing pollutants.

Ms. Feldman said she would like to see more site improvements, noting proximity to the wetlands and Farm River. Mr. Dunk said they could discuss with the owner of the site; perhaps grass areas around the perimeter of the site could be allowed to grow naturally.

Mr. Hayward asked about the possibility of using the landscape islands to infiltrate stormwater runoff. Mr. Dunk said he is concerned about vehicles leaking or a release of an oil or gas tank; he prefers to infiltrate roof runoff but that is not possible on this site. Ms. Charles Lis suggested making the islands concave to at least capture precipitation and asked that they evaluate how to provide more infiltration.

#### Public comment

Justin Perrota, attorney for two abutters was present. Mr. Perrota said the paved area is staying the same but with the additional stripping there would be more cars. Ms. Charles Lis noted that had been discussed as part of the Land Use with Higher Potential Pollutant Loads standard and it requires additional water quality treatment.

Motion by Mr. Weinberg to continue the hearing to June 28<sup>th</sup>. Second by Ms. Francis. Vote: 6-0-0.

### **OTHER BUSINESS**

#### **Open Space and Recreation Plan Update**

No update at this time.

#### **Eaton's Pond Area**

Staff said that additional campsites have been seen. The Police have been contacted.

#### **Community Preservation Committee Update**

Staff said the Town Council approved the Middle St. land acquisition on Tuesday.

She noted that a Conservation representative to the Community Preservation Committee is needed. Ms. Francis said she is willing to serve as the Commission's representative to the Committee.

#### **Approval of Minutes – May 3, 2018**

Staff noted that she had received a detailed revision request from Ms. Feldman. Ms. Charles Lis also requested additions. She will incorporate for the next meeting.

#### **Other**

None

#### **Adjourn**

Motion by Mr. Weinberg to adjourn the meeting at 10:25 PM. Second by Ms. Feldman. Vote: 6-0-0.