

Department of Planning and Community Development

1 JFK Memorial Dr.
Braintree, MA 02184
781 794-8230



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 28, 2018, 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Heather Charles Lis, Gail Feldman, Diane Francis, Alan Weinberg & Kelly Phelan, Staff

Absent: Joyce Albrecht, Christopher Hayward, Gus Murphy

APPROVED

Public Hearings

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

Ms. Charles Lis noted the applicant had requested a continuation to the August 2, 2018 meeting.

Motion by Ms. Feldman to continue the hearing to the June 28th meeting. Second by Ms. Francis.
Vote: 4-0-0.

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. Shawn Hardy, Hardy Design Group was also present. Mr. Man said they revised the plan to pave the gravel area rather than leaving it gravel. They also added information on the vegetation for the water quality area. They also added a block wall at the base of the earthen berm for the railroad bed and propose planting behind it with 20 *Rosa rugosa* as a riverfront restoration area. They also propose to loam and seed the areas on the sides of the building with a seed mix for riverfront restoration. Mr. Man said this is 2400 square feet of restoration.

Staff said she felt it was a step in the right direction but wanted to see more riverfront restoration. She noted that the Planning Board staff indicated that parking area would not be approved to the edge of the property as that area is buffer to a residentially zoned area. Restoring an area along the side of the property could help address the criteria of both boards.

Mr. Man said they would appeal to DEP rather than lose use of an area of property.

Mr. Weinberg asked if they plan to store materials outside. Mr. Bogan said they do not; it would only be for parking.

Ramadan Mahmoud from 150 Allen St. said Mr. Bogan was making noise at 3 AM and he is worried about the truck traffic and safety of his children. Ms. Charles Lis noted that the Commission does not regulate noise or traffic but they are valid concerns. She asked Mr. Mahmoud to direct comments to matters relative to the riverfront area and Wetlands Protection Act. Mr. Mahmoud repeatedly interrupted with comments and questions out of the Commission's jurisdiction and was asked to leave.

Ms. Charles Lis said the proposed restoration was a step in the right direction. She said there is no intent to take away use of the property but the riverfront redevelopment standards require an improvement in existing conditions. She said she would like to see trees in the proposed restoration area. Mr. Man said they propose planting within a block wall and there would not be room for tree roots. Ms. Charles Lis suggested small trees. Ms. Charles Lis asked if they are willing to do a larger restoration area. Ms. Feldman said the request to the applicant should be specific. Ms. Charles Lis said the restoration area should be wider than five feet. Staff suggested it be another ten feet wide. Mr. Bogan asked if the water quality basin would filter out pollutants. Ms. Charles Lis said it would but the wider the vegetated area the more filtering it would provide. Mr. Man said they can't extend the basin due to the presence of a door in the adjacent building.

Ms. Charles Lis suggested the applicant consider if they are willing to make additional revisions to provide more riverfront restoration, such as increasing the width of the buffer to 15 feet. Mr. Bogan said he was not willing to make those changes. Members indicated they were not ready to vote either way as there was neither a denial nor an approval with conditions ready. Ms. Charles Lis advised Mr. Bogan that he could request the hearing be closed tonight and the Commission will vote at the next meeting or he can continue the hearing and consider making revisions. Mr. Bogan agreed to continue.

Motion by Mr. Weinberg to continue the hearing to the August 2, 2018 meeting. Second by Ms. Francis. Vote: 4-0-0.

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; Tom Ryan, Ryan Associates.

Mr. Marinelli explained that Academy Bus is a charter bus service. 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 addressed the areas of concern raised at the last meeting and the changes that have been made to address those concerns. They will remove pavement at the western edge of pavement to restore the 25-foot buffer to the wetland. They will also incorporate a bioretention area in a portion of that area for additional stormwater treatment. They removed the snow storage area closest to the wetland. They also increased the size of the stormwater recharge system by 40%.

Tom Ryan addressed the planting plan. He said they added three red maples and propose planting the bioretention area with milkweed, sensitive fern and a native grass species.

Staff said she was happy with these plan changes.

Mr. Weinberg and Ms. Francis agreed that the changes were beneficial and were pleased that the applicant addressed the Commission's concerns. Ms. Charles Lis also agreed and suggested that conditions be prepared for the next meeting.

Motion by Mr. Weinberg to continue the hearing to August 2nd for draft conditions. Second by Ms. Francis. Vote: 4-0-0.

Notice of Intent DEP File # 8-667 175-185 Campanelli Dr./Amazon.com.dedc.LLC

Mike Howard, wetland scientist with Epsilon Associates, was present with Bryan Roslund engineer with Langan Engineering.

Mr. Howard said they revised the plans after the initial staff report to improve stormwater management by adding two water quality treatment units, restoring the rain garden, reducing impervious area by 0.4 acres and updating the O&M plan. They are also going to remove 2500 square feet of pavement and they added a note to the grading plan to make the landscape islands concave to allow for some infiltration.

Mr. Roslund pointed out the area of pavement removal by the rain garden.

Ms. Feldman asked for clarification of the wetland distance from the parking lot. Mr. Roslund pointed it out on the plan and said about 10 feet.

Mr. Weinberg said the revisions are an improvement. Ms. Francis agreed.

Ms. Charles Lis noted that much more improvement would be required if this was a redevelopment project rather than just a repaving project.

Public comment

Justin Perrota, attorney for two abutters was present. Mr. Perrota asked if the increase in vehicles on the site would be addressed. Ms. Charles Lis noted that had been discussed as part of the Land Use with Higher Potential Pollutant Load standard and it requires providing additional water quality treatment.

Mr. Perrota also asked about monitoring. Ms. Charles Lis noted that there is an Operation and Maintenance Plan for the stormwater system and the Commission can request the maintenance records.

Mr. Perrota asked about truck traffic on the right side of the building. Mr. Roslund noted that the applicant is not using that side of the building.

Motion by Mr. Weinberg to continue the hearing to August 2nd for draft conditions. Second by Ms. Francis. Vote: 4-0-0.

Notice of Intent DEP File # 8-668 262 Forbes Rd./Massport Authority

Richard Berry, Project Manager for Massport was present with Adam Zysk, Engineer with Dewberry and Jim Stolecki, Environmental Project Manager for Massport. Mr. Berry said the intent of the project is to make repairs to the parking lot which has deteriorated and replace fencing around the perimeter. He pointed out the wetlands and stream which flows around the site.

Mr. Zysk said portions of the outer perimeter pavement on the site are in disrepair and need to be refurbished. They plan to replace with eight inches of gravel and a couple of inches of asphalt on the surface. The area in the buffer zone is 80,000 square feet. They originally proposed repaving to the current limit of pavement and creating a five-foot gravel strip beyond that. After staff advised them to limit alteration closer to the wetland they have decided to keep the same limit of work (fence line) and put a two-foot wide gravel strip in front of the fence to slow velocity of runoff.

Staff noted that she has also suggested they find a way to improve water quality of the runoff to the wetlands. Mr. Zysk said they are not able to do that because the edge of the parking lot is almost at the same elevation as the wetland. Ms. Charles Lis suggested they consider LID techniques.

Ms. Charles Lis asked the applicant to have their environmental consultant (LEC) address the question in the staff report re: the size of the watershed used to determine if the stream is perennial or intermittent.

Mr. Weinberg asked about snow removal. Mr. Zysk said it is stockpiled on the site. There was discussion as to the best location for snow storage. Staff noted that the entire site flows untreated to the stream or to a detention basin; there is no water quality treatment at all on the site.

Ms. Feldman said she would like to see water quality improvements.

Ms. Charles Lis said it is unacceptable not to make water quality improvements. She said they should address the stormwater standards and this site is also a Land Use with a Higher Potential

Pollutant Load due to the number of vehicles. An O&M Plan should be prepared and include sweeping at least quarterly.

Ms. Charles Lis asked about infiltrating roof runoff. Mr. Stolecki said the roof runoff already goes subsurface but they don't know exactly what the system is; they don't have plans but will try to get them. Ms. Charles Lis also asked that they investigate the condition of the detention basin.

Motion by Mr. Weinberg to continue the hearing to the August 2nd meeting. Second by Ms. Feldman. Vote: 4-0-0.

Notice of Intent DEP File # 8-669 50 Liberty Park Rd./Kippenhan

Deborah Keller, PE with Merrill Engineers and Land Surveyors, was present with Brad Holmes, wetland scientist with Environmental Consulting and Restoration. Mr. Holmes delineated resource areas in the project vicinity; mean annual high water of Cranberry Brook and associated Riverfront, Bordering Vegetated Wetland and there is also Bordering Land Subject to Flooding. Mr. Holmes said the project falls under the redevelopment standards of the Riverfront Area.

Ms. Keller presented the project which is a proposed in-ground pool with a patio area in the northeast corner of the lot. She said the proposal improves existing conditions by replacing portions of an existing stone drainage channel with a grass swale, creating a rain garden and planting a vegetated buffer along the property line. She provided a list of species proposed for the rain garden.

Staff said that she received a call from the DEP circuit rider for the southeast region regarding the Riverfront standards. Apparently Ms. Keller had called the circuit rider (Kimberly Roth) that afternoon to resolve a discrepancy between staff's interpretation of new development vs. redevelopment and the wetland scientist's interpretation. Staff said that Ms. Roth said that the project should be treated as new development since it is not currently degraded or impervious. Mr. Holmes disagrees and feels that the project should be treated as redevelopment. He said they would easily meet the new development standards as they would fall below 10% of alteration of the lot.

Ms. Charles Lis said she appreciated the good things in the filing, including the rain garden and O&M plan but she disagreed with Mr. Holmes on the Riverfront issue. She said the alternative analysis required under the new development standards should consider location of the pool. She said she had never seen a project like this not be considered new development.

Public comment

Councilor Charles Kokoros spoke in favor of the project. He said the Council recently approved a stormwater management enterprise fund and this project includes stormwater management, which he doesn't believe in the past has been done by other applicants.

James Hanlon, 60 Liberty Park and a relative of the applicant, said they made a best faith effort to move the pool but there is an easement and ledge and this is the only place it will work. He said the

other houses on the street also have pools. Ms. Charles Lis said documenting the options considered could serve as the alternatives analysis.

Mr. Holmes clarified that he was being asked to analyze the project under the new development standards 10.58(4). Ms. Charles Lis said yes.

Motion by Ms. Feldman to continue the hearing to the August 2nd meeting. Second by Ms. Francis. Vote: 4-0-0.

Notice of Intent DEP File # 8-671 50 Christina Dr./Chaplain

Steve DesRoche, Land Surveyor was present with Del Costa from Goddard Consulting and Jack Chaplain, the applicant.

Mr. Costa said the proposal is for a new, single-family home located outside of the 25-foot no-disturb buffer. He said single-family homes are exempt from the stormwater standards.

Ms. Charles Lis asked about compliance with the tree policy. Mr. Costa said there are not that many trees over 4" inches. Mr. DesRoche said they could survey them and show them on the plan.

Ms. Francis asked about erosion control during construction. Mr. DesRoche said they indicated straw wattles on the plan.

Ms. Charles Lis said it would be conditioned that the 25-foot no-disturb buffer remain naturally vegetated and be marked by a split rail fence or other boundary marker.

Motion by Ms. Feldman to continue the hearing to the August 2 meeting for compliance with the tree policy and draft conditions. Second by Mr. Weinberg. Vote:4-0-0.

Notice of Intent DEP File # 8-670 536 Granite St./Peabody Properties

Rhianna Sommers, wetland scientist with Epsilon Associates, was present with Cory Cormier, PE with SGH, Bryan Strohman and Sean Donlon, also of SGH. Karen Fish-Will from Peabody Properties was also present. Ms. Summer said the proposal is to replace the existing retaining wall which is failing and the parking lot is eroding. They propose filter tubes at the limit of work and will construct the new wall 2-3 feet outward of the current wall. She said 150 parking spots are required and they only have 138 so they are not in compliance with zoning. They need to move the wall out 2-3 feet to make the spaces the correct length and provide room for the guardrail. Work will be done from the top side of the wall. There is 246 linear feet of wall within the 100' buffer to the wetlands and 36 linear feet of that is within the 25-foot buffer, for a total impact of 70-100 square feet within the 25-foot buffer. She noted that the existing condition of the 25-foot buffer is not undisturbed. There is a gravel strip at the base of the wall which extends out several feet.

Mr. Cormier said they reconfigured drainage to move it away from the wall which may have been contributing to the failure of the wall. The discharge point will be at the same location.

Ms. Fish-Will said they tried every option to address the wall failure and it is a safety issue since the wall is about 30 feet high.

Ms. Feldman said the Commission does not allow disturbance of the 25-foot buffer. She asked how many parking spots they were trying to gain. Mr. Cormier said they aren't gaining any spots, just trying to make the ones that they have compliant. Staff asked if they could put the guardrail on top of the wall. Mr. Strohman said they cannot as that would affect the integrity of the wall.

Ms. Francis asked about the shelf life the new wall. Mr. Strohman said about 50 years.

Ms. Charles Lis said that it is unfortunate it doesn't meet the 25-foot no-disturb. She suggested that, when there is time, the Commission develop a formal waiver process for situations in which it may be necessary. Ms. Feldman said the Commission never waives it.

Ms. Charles Lis asked if they were adding additional impervious area. Mr. Cormier said they are increasing the size of the landscape islands.

Ms. Charles Lis said the memo regarding the tree policy does not adequately address it and said more information is needed.

Ms. Charles said she did not agree with statement in the application that the stream is not jurisdictional. While it would not be jurisdictional under the Wetland Protection Act which only regulates streams which flow within or out of wetlands it could be considered jurisdictional under the local bylaw which does not exclude waterways upstream of resource areas.

Motion by Ms. Feldman to continue the August 2 meeting for draft conditions. Second by Mr. Weinberg. Vote: 4-0-0.

OTHER BUSINESS

Open Space and Recreation Plan Update

No update at this time.

Eaton's Pond Area

Staff continues to work with the Police to address the campsites which continue to spring up.

Community Preservation Committee Update

Staff will check with the Department Director regarding the meeting schedule for Community Preservation Committee.

Approval of Minutes – May 3, 2018

Motion by Mr. Weinberg to approve the May 3rd minutes. Second by Ms. Feldman. Vote:4-0-0.

Other

None

Adjourn

Motion by Mr. Weinberg to adjourn the meeting at 10:03 PM. Second by Ms. Feldman. Vote: 4-0-0.