

Department of Planning and Community Development

90 Pond Street
Braintree, MA 02184
781 794-8230



Mayor Joseph C. Sullivan

Braintree Conservation Commission

Patrick Flynn, Chair
Donald Murphy, Vice-Chair
Diane Francis
Matthew Hobin
Daniel J. McMorrow, Jr.
Gail Poliner-Feldman
Alan Weinberg

Staff Kelly Phelan

CONSERVATION COMMISSION MEETING MINUTES THURSDAY, JUNE 7, 2012

Members Present: Patrick Flynn, Chair
Gail Feldman
Diane Francis
Matthew Hobin
Daniel McMorrow, Jr.
Gus Murphy
Alan Weinberg

APPROVED

Staff: Kelly Phelan

Public Hearings

Request for Determination of Applicability 37 Baker Ave./Rubino

Ms. Rubino would like to remove five large trees at the rear property line. The trees border a vegetated wetland/drainage ditch. Staff said the wetland was not jurisdictional under the state Wetland Protection Act because it does not border on a river or stream. Staff said the Commission could consider the wetland jurisdictional under the local wetland ordinance (which refers simply to vegetated wetlands).

Ms. Francis said it looked the wetland did not continue into the next yard. Staff said the wetland outlets to a drain pipe which connects to the town's storm drain system.

Mr. Flynn clarified that Ms. Rubino wanted to remove the trees and put a fence at the property line.

Motion by Mr. Murphy, second by Ms. Francis to issue a negative Determination of Applicability for tree removal at 37 Baker Ave. Vote: 7-0.

Notice of Intent 8-614
1091-1093 Washington St./Braintree/Clancy

Mr. Flynn opened the hearing (continued from the May 17 meeting). Sean Hardy, engineer, was present with the applicant, Richard Clancy. Staff drafted conditions for the Commission's consideration.

Mr. Hardy provided a plan for a restored buffer to the Monatiquot River. The plan calls for planting speckled alder within a 28 foot buffer strip along the river. This will restore approximately 3900 square foot area.

Mr. Weinberg said the as-built condition should be amended. The requirement for the as-built plan to be stamped should include "signed and dated" as well.

Mr. Hardy asked the as-built guarantee be reduced from \$2500 to \$1500 which would be more in line with the as-built survey costs.

Mr. McMorrow said the Commission should consider the difference between a large development project and a homeowner project.

Motion by Mr. Weinberg to approve project 8-614 under the state act and local bylaw and issue the Order of Condition as amended to include the "signed and dated" language for condition #36 and reduce the as-built guarantee to \$1500. Second by Ms. Feldman. Vote: 7-0.

Request for Determination of Applicability
8 Mill Lane/Craig

Melissa Craig was present. Staff explained that she met with Ms. Craig a few years ago and advised her on what she could do in terms of grading her yard. Ms. Craig exceeded certain thresholds and needs to remove excess fill. They propose to remove the excess fill but keep some fill to allow for a more level yard area. A retaining wall under two-feet tall is proposed. They also requested approval to fill sinkholes associated with an abandoned foundation.

Ms. Craig said the property had been abandoned when they purchased it. They've removed car parts and debris. She said there is an old foundation which wasn't filled in correctly so they want to fill those sinkholes in.

Mr. Flynn asked what is between the retaining wall and river. Ms. Craig said it is wild land.

Mr. Flynn asked if there was any public comment. Stephen Zeboski, owner of the adjacent 20 Mill Lane property, said he wanted to speak in support of Ms. Craig. He said she has cleaned up the property.

Motion by Ms. Francis, second by Mr. Murphy, to issue a negative Determination for 8 Mill Lane with conditions as recommended by staff. Vote: 7-0.

Notice of Intent 8-615
85 Quincy Ave./CITGO Petroleum Corp. Inc.

Russell Titmuss from Bourne Consulting Engineering was present with Allen Morris and Lennar Perez from CITGO.

Mr. Titmuss explained that the existing dock where tankers come in has deteriorated and needs to be repaired. There are four cells (two of 25 feet in diameter and two of 50 feet in diameter) which the tankers berth against. A 2008 inspection revealed that cell 3 is corroded. The cell is about 50 feet tall and the deck elevation is about 15 feet above the low water elevation. They propose to drive new sheet piles two feet outside the existing cell and fill the space between with crushed rock.

Mr. Titmuss said they also need to change the mooring arrangements. There is only one stern line now and the oil industry guidelines recommend two lines in order to withstand wind greater than 60 miles per hour. Because the added stern mooring line will interfere with the gangway location, a new gangway is needed. This will be adjacent to cell 3.

Ms. Feldman asked how much more they are building. Mr. Titmuss said the total footprint is 3400 square feet and of that, 415 square feet is the impact to land under water. The 415 square feet is associated with the increased diameter of cell 3 and the piles.

Ms. Feldman asked if they are using more area. Mr. Titmuss said there is no increase in the size of the ships using the dock. He said they went through the MEPA process and are not required to file an Environmental Impact Report.

Ms. Feldman asked about the impact to the waterfront. Staff said she did not see it as significantly more impact than what is already there. Mr. Titmuss said the new gangway will be about 10 feet higher than the existing structures.

Mr. Flynn noted that Division of Marine Fisheries sent a letter recommending a time of year restriction. Staff said they had sent another letter since then approving the applicant's request to use a silt curtain instead of a time of year restriction.

Ms. Feldman asked if Marine Fisheries have seen the project site. Staff said they have studied the fish run in the river extensively but didn't know if they specifically looked at the area around the CITGO dock.

Ms. Francis asked about the concrete truck washdown area and erosion control. Mr. Titmuss said he brought copies of a plan showing this to respond to the staff report. The washdown area will be on shore within an area protected by haybales and geotextile fabric. The accumulated concrete will be removed from the area. He said they will pre-cast concrete on the shore and lift it into place on the piles. Because of size, they may have to do some pouring on the water.

Mr. Weinberg asked if the concrete was reinforced with steel. Mr. Titmuss said yes.

Mr. Weinberg asked how long the project would take. Mr. Titmuss said 9-12 months because they are trying to avoid putting the dock out of service.

Staff asked how pouring concrete on the water would work. Mr. Titmuss said the contractor will have to build a form high enough so that the concrete can't overtop it.

Ms. Feldman asked if they were working from the water. Mr. Titmuss said they would do the work from a crane barge.

Mr. Weinberg asked if the docks have navigational signals for the ships at night. Mr. Titmuss said yes.

Mr. Flynn asked for public comment. There was none.

Motion by Mr. Murphy, second by Mr. McMorrow, to continue to the June 21st meeting for draft conditions. Vote: 7-0.

Staff suggested including a condition for an independent construction monitor to ensure that the silt curtain is installed because they will be starting and stopping work every time a tanker comes in.

**Request for Determination of Applicability
385 Quincy Ave. /CITGO Petroleum Corp. Inc.**

Staff explained that this was a separate application for test borings. The borings are necessary to determine the material the piles for the dock project (8-615) will be driven through.

Mr. Titmuss said the borings will be done from a barge. A 3 inch diameter casing will be used through a hole in the barge. The tailings will come out on the deck of the barge and should be less than a cubic foot of material. The top of rock is 45 -50 feet to below low tide level and they will change the drill bit when they hit rock. They will drill 10 feet into the rock so they know what the piles will be anchored in.

Ms. Feldman suggested a condition to remove tailings from the site. Mr. Weinberg suggested conditions to notify staff when borings are going to occur and provide documentation of their proper disposal.

Motion by Ms. Feldman, second by Mr. Weinberg, to issue a negative Determination of Applicability with conditions as discussed. Vote: 7-0.

**Request for Determination of Applicability
2-10 Commercial St./ S&H Realty Trust**

Staff said the Commission issued a negative Determination of Applicability in 2011 for renovation to the building at 2-10 Commercial St. The building is located over the Smelt Brook culvert. Since that time, they have decided they need to raze and reconstruct the building and they filed a new Request for Determination.

Dominic Rinaldi from BSC Group was present with Harry Sarras, owner of the building. Mr. Rinaldi said that the architect, Brian Donahue, had a conflict and could not be present.

Mr. Rinaldi said they received a negative Determination of Applicability in 2011 for renovation to the building but they learned since then that the building is not suitable for renovation and must be rebuilt. He presented a plan showing a cross-section of the building and the Smelt Brook culvert under it. They will leave the outer stone and granite block culvert wall in place and build a concrete foundation wall outside of it. This new foundation wall will support the building. A section along the top of the culvert wall will need to be removed to accommodate a lower floor level. This is required for ADA compliance ; the floor needs to be at street level instead of using stairs up into the building.

Mr. Rinaldi said the interior stone foundation piers will be replaced with concrete piers. He said the width and substance of the channel will not change. The new concrete floor panels are 15 feet wide and will span the width of the channel.

Mr. Rinaldi said that Mr. Donahue had responded to staff comments. Staff provided a copy of the response to the Commission. One of the comments recommended that a structural engineer stamp the plans. Mr. Rinaldi gave a copy of two sheets stamped by a structural engineer to staff.

Mr. Rinaldi said the work would be done after the fish run is over.

Mr. Murphy asked how much of the culvert wall would be removed. Mr. Rinaldi said 6-10 inches.

Mr. Weinberg asked about flooding. Staff said the Pond Meadow flood control project rerouted most of the flow to the 96 inch pipe through the landing and that this channel was a relic left specifically for smelt spawning. She said it is not mapped as floodplain.

Ms. Feldman asked why they would build over the water again. Mr. Rinaldi said that otherwise they would lose ten to twelve feet along the length of the building as there is nowhere else on the site to go.

Mr. Weinberg asked about roof runoff and parking . Mr. Rinaldi said there is no change proposed. Mr. McMorrow said the proposal is similar to what was approved before and these issues were not discussed then. He said the Commission's concern should only be protecting the culvert.

Discussion on the cross-section continued. Staff said it showed the foundation piers closer to the stream. Mr. Sarras said they would be further away. Staff said she would like to clarify this with the architect and review the plans provided that evening.

Motion by Mr. Murphy, second by Mr. McMorrow, to continue the hearing to the June 21st meeting. Vote:7-0.

Close Hearings

Motion by Mr. Weinberg, second by Mr. McMorrow, to close the public hearing for 37 Baker Ave. Vote: 7-0.

Motion by Mr. Weinberg, second by Mr. McMorrow, to close the public hearing for 8-614. Vote: 7-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing for 8 Mill Lane. Vote: 7-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing for the Request for Determination for 385 Quincy Ave. Vote: 7-0.

Other Business

Request for Certificate of Compliance

79 Canavan Dr./Zechello

Staff reminded the Commission that this was an in-ground pool project and recommend they issue the Certificate of Compliance with surviving conditions for pool chemical storage and maintaining the 25 foot no-disturb buffer.

Motion by Mr. Weinberg, second by Mr. McMorrow, to issue the Certificate of Compliance for 79 Canavan Dr. with surviving conditions #26, #27 and #28. Vote: 7-0.

Approval of Minutes

Motion by Mr. Murphy, second by Mr. McMorrow, to approve the May 3 minutes. Vote: 7-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to approve the May 17 minutes. Vote: 7-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Murphy, to adjourn the meeting at 8:30 pm. Vote: 7-0.