



Mayor
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CONSERVATION COMMISSION

Heather Charles Lis, Chair
Christopher Hayward, Vice Chair
Diane Francis, Member
Hung Pham, Member
Peter Williams, Member

APPROVED

CONSERVATION COMMISSION MINUTES OCTOBER 7, 2021 MEETING (7PM) REMOTE MEETING VIA ZOOM

Present: Heather Charles Lis, Diane Francis, Hung Pham, Peter Williams and Kelly Phelan, Conservation Planner

Absent: Christopher Hayward

Ms. Charles Lis opened the meeting and noted the MA COVID – 19 State of Emergency and the Town’s Remote Participation Policy. Meeting materials such as plans will be displayed on the screen and are available on the Commission’s website. Ms. Charles Lis asked if anyone other than the Town was recording the meeting. No one indicated that they were recording the meeting. Ms. Charles Lis noted that, for clarity, she would make the motions and that votes would be done by roll call.

Note: Joyce Albrecht resigned from the Commission prior to the meeting.

PUBLIC HEARINGS

Notice of Intent DEP File # 8-692 255 Plain St. (Cemetery)/Town of Braintree*

Chris Trudel, Engineering Manager for the Town, was present with Jess Wala of Nitsch Engineering. Mr. Trudel said they hired Nitsch to review the Town’s design and will submit revised plans to the Commission. He presented the project. The burial area to the north of the access road was constructed around 1995 but the southern area was not and the Order of Conditions for that work expired. They are changing the design that was presented at the Commission’s May meeting. They now plan to reuse the existing drainage outfall instead of abandoning it. This will allow them to make the proposed basin smaller and possibly infiltrate stormwater. Mr. Trudel also asked for clarification on the buffer zone restoration plan that had been requested. Ms. Phelan noted that would only be needed for areas of the 25-foot buffer that were disturbed.

Mr. Pham suggested the Town consider a gravel wetland if the soils don’t support infiltration and asked about maintenance of stormwater BMPs. Mr. Trudel said they will look at that. He said the DPW has a vector truck and, as they are trying to use more green infrastructure, they hope to contract for town-wide maintenance of this. Ms. Charles Lis said she has a positive impression of gravel wetlands. Ms. Wala asked if a gravel wetland was preferable other BMPs. Mr. Pham said it depends on the soil; if it is A soil they should use an infiltration BMP.

Mr. Williams asked how many hearings had been held on this. Mr. Trudel said this was the third. [Note: the project was discussed informally at the March 4, 2021 meeting prior to the Notice of Intent being filed. The public hearing was opened on April 1, 2021 and testimony was heard at that meeting. It was then continued each month.]

Ms. Charles Lis asked for public comment. There was none.

Ms. Charles Lis noted that Mr. Hung is not eligible to vote on the issuance of an Order of Conditions project as he was not a member of the Commission at the time of the hearing. He may vote on “ministerial” matters such as continuing a hearing.

Motion: by Ms. Charles Lis to continue the hearing to the November 4th meeting.

Second: by Mr. Williams.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Request for Determination of Applicability 92 Geraldine Lane/White*

David White was present. He said he filed for a pool but had another project underway which required footings.

Ms. Phelan said Mr. White had sent an email stating that he was withdrawing his pool proposal. He confirmed that was still the case. Ms. Phelan said that he had started an addition on new footings without realizing he needed Conservation Commission approval for the excavation for the footings. She recommended the Commission approve the footings. Ms. Phelan also noted that the wetland delineation by Lucas Environmental was significantly different than the delineation as shown on GIS. She noted that she had not observed wetland vegetation when she visited the site in November, 2020 but that the hydrology is evident.

Ms. Charles Lis asked for public comment. There was none.

Motion: by Ms. Charles Lis to issue a negative Determination of Applicability.

Second: by Mr. Williams.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Motion: by Ms. Charles Lis to close the public hearing.

Second: by Mr. Williams.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Notice of Intent DEP File pending 66 Armstrong Circle/Lynch*

Ms. Charles Lis noted that the applicant had requested the hearing be continued to the November 4th meeting.

Motion: by Ms. Charles Lis to continue the hearing to November 4, 2021

Second: by Mr. Williams

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Notice of Intent DEP File pending 4 and 44 Allen St./Arch Communities, LLC*

Attorney Frank Marinelli was present with Jesse Johnson, PE and Mark Klopfer, Landscape Architect. Attorney Marinelli said he was representing Winn Properties/Arch Communities, LLC in the redevelopment of the site and noted the Commission’s September 24, 2021 site visit. He said they hope to have draft conditions available for November 4th meeting.

Mr. Johnson said they have made changes to the plans based on the site visit and comments from the state agencies who will be involved in additional permitting. They have moved the proposed parking away from the river, out of the 25-foot water dependent use area as determined by Ch. 91. There are two public parking stalls in this area as required for public access. There is a net reduction of about 20,000 sf in impervious area. They also added a rain

garden with a peastone diaphragm. They have increased TSS removal to 87% by adding another water quality unit. They are now going to reuse an existing stormwater outfall that was discovered during the site visit. They plan to create a separate parcel for the boardwalk and give it to the Town along with the Williams parcel. They don't need to reinstall rip rap as they had thought. They think it is best to leave it as is now that they have seen it at low tide and see the condition of the toe stones.

Ms. Charles Lis noted that the landscape plans had not been received until that day so they haven't been reviewed yet. She is pleased that the vegetated areas are shown on the plan.

Ms. Phelan said the Coastal Bank should be shown on the plans. She will review the landscape plan and send comments as soon as possible. She requested the applicant update the Commission on the sewer issue. Mr. Johnson said the sewer surcharges two to four times a year. They have included a storage tank to provide a half day of storage in the event this is happening. They hope that the issue is resolved by the Town and MWRA prior to construction so that they will not need to actually install the tank.

Mr. Williams asked about the elevation of the site relative to Mean High Water. Mr. Johnson said the slab is at 9.4 and parking is at 8.19 and High Tide Line is at 6.92. Mr. Williams asked for the conversion they used between NAVD 88 and the tidal datum. Mr. Johnson said they will provide that. Mr. Williams also asked about snow storage. Mr. Johnson indicated the snow storage area on the plan and said most of it would need to be trucked off-site.

Mr. Williams asked about the old power plant pipe in-take and out-take from the river. Mr. Johnson said they propose to leave that in place. Mr. Pham said that seems like a missed opportunity to restore Salt Marsh. Mr. Johnson said it would require a significant level of intrusion into a resource area which they are trying to avoid. Ms. Charles Lis suggested they at least remove the wood structure around the pipes. Mr. Johnson said they do not need to file a 401 Water Quality Certification since they are eliminating disturbance of the Coastal Bank. If they disturb the area around the old pipes they will need to file for a 401 Water Quality Permit. He said the pipes add historical interest to the site. He said the project is on the verge of not being financially viable.

Ms. Charles said the site visit was helpful and thanked the applicant for adding the Salt Marsh flags to the plans. She is concerned about the stability of the small section of unarmored coastal bank but would not want to see it armored.

Ms. Charles Lis asked for public comment. There was none.

Ms. Charles Lis said there were a few things to look at, including the landscaping plan. She asked what vegetation is proposed in the snow storage area. Mr. Klopfer said tall grass for a meadow type of look. There are trees about 5-7 feet back.

Mr. Pham requested that sand not be used on the site and that it put in the O&M plan. Dog waste bags should also be included in the O&M.

Motion: by Ms. Charles Lis to continue the hearing to November 4, 2021

Second: by Mr. Williams

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Notice of Intent DEP File pending 39 Vinedale Rd./Metropolitan Yacht Club (travel lift)

Notice of Intent DEP File pending 39 Vinedale Rd./Metropolitan Yacht Club (seawall)

These hearings were opened simultaneously.

Paul Donahue, PE from PEDA, Inc. was present with Craig Donahue and the present Commodore of the Metropolitan Yacht Club, Boxer Clark. Mr. Donahue said they had asked Ms. Phelan to meet at the site recently. Mr. Williams also joined them. The travel lift is being undermined and the transition piece on the bank has erosion under it. The club is concerned that it will fail with a 25-ton boat on it. They propose to divide the work into two-phases; the first is maintenance of the eroded area under the lift and the second is the repair of the eroding seawall.

Mr. Donahue said the travel lift repair work involves 3 components. One is to dump crushed stone in the area along the revetment where water is concentrating. The second is to fill the void under the lift. They plan to drill into the concrete and pressure inject concrete into the void under it. They will build a form and anchor it to the concrete. The third is to add rip rap where it has moved around at the center of the lift. They hope to accomplish this prior to hauling heavy boats.

Ms. Charles Lis said she remembered this discussion in 2018 as noted in the staff report. She said the work can't be approved as an emergency as only public agencies can declare emergencies for public health and safety.

Mr. Williams said the form will need to be tight to withstand the pressure injection. Mr. Donahue said they would anchor into the existing concrete.

Ms. Charles Lis asked about the curb. Mr. Donahue said it is going to direct water away from the eroding seawall.

Ms. Charles Lis asked about Riverfront Area. As noted in the staff report, it is not clear if the travel lift or revetment were licensed by Chapter 91 which would preclude Riverfront Area standards from applying to the project. Ms. Charles Lis said she does not want to lose an opportunity for Riverfront Area improvements.

Ms. Phelan asked for clarification on the drawing which shows stone being added seaward of the existing toe of the revetment. Mr. Donahue said that was an error. Ms. Charles Lis requested it be corrected on revised plans. Mr. Donahue said they would like to receive approval that night for the travel lift work. Ms. Phelan said that the DEP file number had not been received. Ms. Charles Lis said the Commission did not have the authority to issue an Order without the file number. She said the problem has been known for years and it is in a very sensitive area. Mr. Clark said the reason that this has not been addressed sooner is that the leadership of the club changes every year and it gets pushed off to the next person.

Mr. Pham asked if the groin (visible in aerial photos) is causing the erosion problem. Mr. Williams said it is caused by runoff from the neighborhood streets which drain to this area. Mr. Pham suggested a living shoreline be considered inside of the revetment.

Mr. Williams noted the cross section for the revetment and said it was very unusual to see a concave slope. It should be consistent with the what was built at the rest of the site in 2010. Ms. Phelan asked Mr. Williams if he has a concern about introducing water behind the revetment. Mr. Williams said more specificity on the material was needed.

Ms. Charles Lis asked how much pavement was being removed and replaced. Mr. Donahue said about 600-800 square feet. Ms. Charles Lis asked if they considered alternatives to treat stormwater runoff. Mr. Donahue said so much runoff comes from the street that there is not an opportunity for a catch basin. Ms. Charles Lis asked that they look for an opportunity for improvement even if it is a narrow planting bed with coastal shrubs. Mr. Donahue said it is a very busy, working area when the travel lift is operating. Mr. Pham asked about planting vegetation in the revetment. Mr. William agreed with Mr. Donahue that it is a very busy area and it would be hard to have vegetation in this area. Ms. Charles Lis said she would like to see vegetation added somewhere. She noted that the Riverfront Area wasn't flagged and said she is ok with that given the site but noted that the findings in the Order of Conditions should reflect that no determination on that boundary was made.

Motion: by Ms. Charles Lis to continue both hearings to November 4, 2021 with draft conditions to be prepared for the travel lift.

Second: by Mr. Williams

Vote: In favor: 4, Opposed: 0, Abstained: 0.

OTHER BUSINESS

Cranberry Pond Eagle Scout Project

Quinlan Connors, Eagle Scout from Troop 22 was present. Mr. Connors presented a slide show with results of his Eagle Scout Project. He refurbished the kiosk, added a QR code for the trail map, removed a refrigerator which had been dumped on the site, constructed a bog bridge and repaired broken planks on the existing bridge and constructed a water bar. He will provide the balance of the funds he raised for the project to the Commission (approximately \$1700). Mr. Williams thanked Mr. Connors and said he did a great job. Ms. Charles Lis agreed as did all members and staff.

Request for Certificate of Compliance 8-668 262 Forbes Rd.

Ms. Charles Lis noted that Ms. Phelan recommended issuing the Certificate of Compliance with surviving conditions for snow storage and compliance with the O&M Plan.

Motion: by Ms. Charles Lis to issue the Certificate of Compliance for 8-668 262 Forbes Rd. with surviving conditions as noted.

Second: by Mr. Williams

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Discussion – Policy on Roof Runoff from Additions

Ms. Phelan suggested that, in order to ensure consistency, the Commission consider adopting a policy on how to deal with roof runoff from additions. The Commission typically requires roof runoff from additions be directed to lawn or vegetated areas rather than to paved areas. Ms. Charles Lis suggested that is appropriate if the area is level but may not be suitable on a steep slope or with poor soil. The discussion will be continued.

Approval of Minutes – September 2, 2021

Ms. Charles Lis requested an edit to the RDA discussion for 83 Plain St. to reflect that a survey was not necessary in this case, due to the scope of work.

Reorganization

Ms. Charles Lis suggested holding off on this discussion until Mr. Hayward is present. She noted that Mr. Hayward may need to miss the next few meetings.

Adjourn

Meeting was adjourned at 9:45 PM.

*continued from September 2, 2021 meeting