



**Mayor
Erin V. Joyce**

Department of Planning and Community Development

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CONSERVATION COMMISSION

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

CONSERVATION COMMISSION MINUTES JANUARY 4, 2024 MEETING (7PM) JOHNSON CHAMBERS

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

Absent: Christopher Hayward

PUBLIC HEARINGS

Request for Determination of Applicability Brookside Rd -Smelt Brook./Weymouth Braintree Regional Recreation Conservation District*

Brion Keefe, Park Supervisor for the District was present. Mr. Keefe said there is a perched culvert in Smelt Brook which is part of the Army Corps flood control project for the Weymouth Landing. Sediment has been collecting in the system for over 35 years. They need to have the sediment cleaned out. He said it is a maintenance project.

Ms. Charles Lis said she does not object as this is necessary work. She asked about the possibility of a fish ladder for the perched culvert. Mr. Keefe said they are working with the Army Corps to advance a fish ladder project but the sediment needs to be removed first.

Mr. Pham asked Ms. Phelan about the regulatory implications of the project. Ms. Phelan said the area from which sediment will be removed is a stilling basin with concrete bottom and sides. It is technically Land Under Water and Bank but will not have a negative impact.

Mr. Williams suggested modifying draft condition #3 to state that restoration shall be done to the "satisfaction of staff".

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

Motion: By Ms. Francis to issue a negative Determination of Applicability with conditions as drafted and modified.

Second: by Ms. Charles Lis.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Motion: By Ms. Francis to close the public hearing.

Second: by Mr. Pham.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Notice of Intent DEP File # 8-724 125 Union St./Torrington Properties, Inc.*

Greg DiBona, project representative from Bohler Engineering, was present on behalf of the applicant. Mr. DiBona said that they were before the Commission at the last meeting and they have tried to address comments and questions discussed that night. He said they received Planning Board approval and were able to revise the plans to incorporate changes requested by the Commission prior to that approval. He listed the changes: added shrubs in the northeast corner (25-foot buffer zone), eliminated stone at the back of the retaining wall in favor of seed mix and incorporated two bioretention areas within the landscape areas. He said that Planning Board requirements to elevate the building a foot above the floodplain dictated grading changes which lead to adjustment in the compensatory flood storage requirements. He said the issue discussed at the last meeting with the outlet control structure has been addressed with a note to change to a lower profile frame and concrete surface. He said the subsurface basin is not for detention but just for infiltration so they can adjust that detail. They also lowered the grade around the basin and can make it concrete surface instead of asphalt.

Mr. DiBona continued. He said that they addressed the performance standards for floodplain. They removed non-native plants and tried to address the LID request with the two bioretention areas. He said they were not able to add the swale on the southern boundary because it is tight with evergreen trees. He said they provided the report from the LSP on the site contamination. They updated the O&M to increase the frequency of maintenance.

Mr. Schreefer asked for clarification on the depth of cover over the subsurface basin. Mr. DiBona said the use of a rigid material (concrete) over the basin requires less cover than the use of asphalt over the basin.

Ms. Charles Lis asked Ms. Phelan if she reviewed the wetland delineation. Ms. Phelan said she did review it and does not have any concerns with it.

Ms. Charles Lis thanked Mr. DiBona for adding the bioretention areas and the shrubs in the corner of the 25 foot buffer. She asked Mr. DiBona if the islands have a construction detail to show them as concave. Mr. DiBona said they will remain concave and he will add that to the O&M Plan. She also suggested adding a condition that the signed SWPPP be provided to staff prior to the start of work.

Mr. Schreefer asked why the grading changes could not be made to create the swale on the southern property line. Mr. DiBona said they did not want to put curb breaks in the drive-through area.

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

Motion: By Ms. Charles Lis to issue the Order of Conditions for 8-724 as drafted and amended to include a condition for submission of the final, signed SWPPP prior to the start of work.

Second: by Mr. Schreefer.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Motion: By Ms. Francis to close the public hearing.

Second: by Mr. Pham.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Notice of Intent DEP File # 8-726 Gordon Rd.-Watson Park/Braintree DPW -Stormwater Division

Hillary Waite, Stormwater Manager, was present with Jessica Wala, project engineer from Nitsch Engineering. The project is construction of two stormwater BMPs in Watson Park. The project has been funded through grants. She noted that E. coli is a pollutant of concern in this area. The project will also address phosphorus and nitrogen. She said public outreach will be a large part of the project.

Ms. Wala said there are two drainage areas involved in the project . A 10.3-acre drainage area will be directed to the bioretention basin. A diversion structure will be installed in the existing pipe. This will divert the 1-inch water quality volume to the basin, through a pre-treatment structure. A 5.4-acre watershed will be diverted to subsurface basin with an isolator row for pre-treatment. They propose shallow side slopes for the basin (5.5-1) and the planting plan calls for taller plants in the bottom of the basin. A stone dust path is proposed around the basin.

Mr. Williams asked the purpose of the stone path. Ms. Waite said to add connectivity to the park.

Mr. Schreefer asked if there would be a fence around the basin. Ms. Wala said no, due to the gentle side slopes.

Mr. Pham asked about the overflow from the basins. Ms. Wala said they didn't have room for area drains so there is an invert out of both chambers of the basin at 6.15'.

Ms. Charles Lis asked Ms. Waite if they have considered seating areas. Ms. Waite said they are thinking about it. Ms. Charles Lis said the proximity to the splash pad and playground also make it a good place for kid-friendly outreach.

Mr. Williams asked if the inspection and maintenance for the tide check valves was included in the O&M plan. Mr. Pham said they were not. Mr. Williams suggested adding amending condition #33 to require that the O&M Plan be updated to require inspection and maintenance of the tide check valves.

Ms. Charles Lis suggested changing condition #35 on mowing frequency to say that basin may only be mowed in November or late March/early April.

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

Motion: By Ms. Charles Lis to issue the Order of Conditions for 8-726 as drafted and amended.

Second: by Ms. Francis.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Motion: By Ms. Francis to close the public hearing.

Second: by Mr. Pham.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Notice of Intent DEP File # 8-727 88 Howie Rd./Cortez

Brad Holmes, wetland scientist with ECR Consulting, was present with Dan Cortez, the applicant. Mr. Holmes said there is an existing house, driveway, deck and shed. There is a stream through the property. He flagged Bank and BVW and there is Riverfront Area and Bordering Land Subject to Flooding. He said they propose to construct an addition in the front, widen the driveway, cover the porch over the existing steps and add dormers. They propose to remove part of the deck which will improve the buffer zone. He noted that the applicant did not receive a permit for the recently constructed shed and deck attached to the shed. Mr. Cortez said that he was not aware that he needed a permit for the shed Mr. Holmes said they would like to discuss options with the Commission to see if

they can keep the shed and deck. He suggested planting along the brook to create a vegetated buffer as potential mitigation.

Mr. Schreefer asked where the driveway drains. Mr. Cortez said it drains toward the street. Mr. Schreefer asked if they planned to add gutters to the addition. Mr. Cortez said they will determine that. Ms. Charles Lis suggested adding a stone trench along the side of the driveway and the gutters could also drain to that.

Mr. Pham asked Ms. Phelan if the shed complies with the 25-foot no-disturb buffer zone. Ms. Phelan said it does not and the shed is in the floodplain. She also noted that the Planning Board has jurisdiction over the floodplain through the Zoning Bylaw and the Building Code also has floodplain requirements. Mr. Williams said the shed is in partially within the floodway. Mr. Holmes said they could consider elevating the shed above the elevation of the floodway and floodplain.

Ms. Phelan noted that she had not indicated approval of the BVW delineation in her staff report. The edges of the lawn area likely have hydric soil.

Ms. Charles Lis suggested the Commission make a site visit.

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

Motion: by Ms. Charles Lis to continue the hearing to the February 1st meeting.

Second: by Mr. Schreefer.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Notice of Intent DEP File #pending Liberty St./McGourty Realty LLC

Austin Chartier from McKenzie Engineering Group was present with Brian McGourty from McGourty Realty, LLC. Mr. Chartier said the project includes 23,000 square feet of disturbance and a 450 linear foot driveway. There is a drainage easement from Liberty St. to the wetland on the property. They propose construction of a single-family house, driveway and utilities. The wetland delineation was recently approved by the Commission under an Order of Resource Area Delineation. He said the project will need a grading permit from the Planning Board and a Major Stormwater Permit. He said they propose a drywell to infiltrate roof runoff. Mr. Chartier said they received Ms. Phelan's memo and know that they will have to identify trees to remove removed and come up with a planting plan.

Mr. Schreefer asked about the limit of work. Mr. Chartier said that it is along the 25-foot buffer zone; they will add it to the plan.

Mr. Schreefer asked if the DPW is doing the outfall replacement work in the drainage easement. Mr. McGourty said that he has been talking to the DPW for several months about it. Mr. Schreefer said it may require clearing near the wetland and should be shown on the plan.

Mr. Schreefer suggested they consider a two-foot wide stone strip with an underdrain along the driveway. Mr. Chartier said they will look at that. Mr. Pham said he is concerned about the low point of the driveway. Mr. Williams said it is coincident with the easement and suggested they consider moving the low point of the driveway. Ms. Charles Lis suggested they consider a pervious driveway.

Ms. Charles Lis asked that they provide a simple O&M plan for the homeowners. She also asked that they show the limit of work and suggested a site visit.

Mr. Williams asked for public comment.

Michael Moschella, Liberty St., said that the other side of the wetland was never delineated. Mr. Chartier said they only delineated in the area of the project.

Mr. Moschella asked how much runoff would be generated by the 25,000 sq. ft. of disturbance and the driveway and asked if that was allowable. Mr. Chartier said they are preparing hydrologic calculations for the Stormwater Permit but noted that single-family homes are exempt from the stormwater standards in the Wetlands Protection Act. Mr. Moschella asked what recourse abutters have if the wetlands increase onto their property.

Chris Manzini from Livoli Lane asked why the wetlands on the other side of the property were not delineated. Mr. Chartier said that no work is proposed over there. Mr. Manzini asked who they should go to if the project causes flooding. Ms. Charles Lis said that the Commission is relying on plan and calculations stamped by a Professional Engineer. The Commission can step in if the project is not constructed properly.

Ms. Charles Lis asked that the applicant add a silt fence (for visibility) to the erosion control detail and specify a 12" in silt sock.

Motion: by Ms. Charles Lis to continue the hearing to the February 1st meeting.

Second: by Ms. Francis.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

OTHER BUSINESS

Request for Extension Permit DEP File #8-685/Town of Braintree

Motion: by Ms. Charles Lis to extend 8-685 for three years.

Second: by Ms. Francis.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Request for Extension Permit DEP File #8-686/Hollingsworth Pond, LLC

Motion: by Ms. Charles Lis to extend 8-686 for three years.

Second: by Ms. Francis.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Staff or Commission Updates

None

Approval of Minutes – November 30, 2023

Motion: by Ms. Francis to approve the November 30, 2023 minutes.

Second: by Mr. Schreefer.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Adjourn

Motion: by Ms. Charles Lis to adjourn the meeting at 9:15 PM.

Second: by Mr. Schreefer.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

*continued from November 30, 2023 meeting.