



Mayor  
Charles C. Kokoros

**Department of Planning and Community Development**

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**CONSERVATION COMMISSION**

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

**APPROVED**

**CONSERVATION COMMISSION MINUTES  
JANUARY 6, 2022 MEETING (7PM)  
REMOTE MEETING VIA ZOOM**

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

Absent: Christopher Hayward

Ms. Charles Lis opened the meeting and noted 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.

**PUBLIC HEARINGS**

**Notice of Intent DEP File # 8-700 39 Vinedale Rd./Metropolitan Yacht Club (seawall)\***

Ms. Charles Lis noted that the applicant requested that the hearing be continued to the February meeting.

Motion: by Ms. Charles Lis to continue the hearing for 8-700 to the February 3rd meeting.

Second: by Ms. Francis.

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

**Notice of Intent DEP File # 8-701 625 Middle St./Banville\***

Ken Thomson, Botanist, was present with Michael Banville, property owner. Mr. Thomson said that, as requested at the last meeting, they considered pavers for the proposed walkway but one of the owners has an equilibrium issue so they need to use pavement. Mr. Thomson also added a planting plan with native shrubs (inkberry and winterberry) along the wetland in the buffer zone. The planting strip is approximately 6 feet deep.

Ms. Phelan said she had no concerns and prepared draft conditions. Mr. Thomson asked if the amount conditioned for the as-built bond could be reduced. Ms. Charles Lis said the amount is consistent with what has been done on other similar projects. Ms. Phelan agreed.

Mr. Pham asked if they considered porous pavement. Mr. Thomson said they weren't sure about the cost. Mr. Pham said it is more expensive but it increases infiltration which would be beneficial. Mr. Williams said that they are removing an area of existing driveway. Mr. Thomson said they would prefer not to use porous pavement since it requires vacuuming to maintain it. Mr. Pham said that is only in high traffic areas and said that they are increasing impervious area overall. Ms. Charles Lis suggested that they put crushed stone at downspouts on the new garage. Ms. Phelan noted that a portion of the proposed garage is over the existing driveway and between that the area of driveway to be removed it does not appear to be an increase in impervious. Mr. Pham said crushed stone at the downspouts was ok with him. Ms. Charles Lis suggested amending condition #30 to require this.

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

Motion: by Ms. Charles Lis to issue the Order of Conditions for 625 Middle St. as drafted and amended.

Second: by Ms. Francis.

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

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

Second: by Ms. Francis.

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

### **Abbreviated Notice of Resource Area Delineation (ANRAD) DEP File #8-702 Columbian St. (60) and off of Columbian St. and Grove St./Banner Park, LLC**

Kelly Killeen from CHA Consulting was present with Scott Arnold and Jay Hall, also of CHA Consulting and Al MacDonald from Banner Park, LLC. Mr. Killeen said the site is 96-acres and is around the former lottery building facility but that is not part of the ANRAD application. The locus includes three parcels, 22F, 22E and 27. Mr. Hall delineated 11,000 linear feet of wetlands. They understand that the Town wants to do a peer review of the delineation and dropped off the fee for that earlier in the day.

Mr. Hall said they are four wetland series. Series A was flagged with 135 flags and connects to Series B by an intermittent stream channel. Series B was flagged with 297 flags. There is also Isolated Vegetated Wetland (Series M) and a wetland identified with Series J flags. The wetlands are primarily palustrine forested type with red maple, swamp white oak, slippery elm and tupelo. There is also a northern white cedar swamp. Mr. Hall said there is no priority or estimated habitat of rare wildlife. There is a certified vernal pool and a potential vernal pool off of the property. The site is not in an Area of Critical Environmental Concern (ACEC) District and there is no 100-year flood zone on the site, nor is there Outstanding Resource Water or Zone A or B of a public water supply.

Ms. Phelan said she recommends a peer review of the delineation given the extensive size of the site. She requested quotes from three environmental consulting firms and received one response from LEC Environmental Consultants. The applicant had provided the funds for this earlier in the day, as noted. Ms. Charles Lis thanked the applicant for being amenable to the peer review.

Ms. Charles Lis asked if the site is within 100 feet of the vernal pools on the adjacent property. Mr. Hall said he did not believe so. He suggested that LEC could verify. Ms. Charles asked about another potential vernal pool on one of the parcels (near the power lines). Mr. Killeen said they have no plans for that area and did not include it on the ANRAD application.

Mr. Williams asked about gray areas on the plans projected on the screen. Mr. Killeen said they are wetlands but they are not looking to confirmation of those wetlands. Mr. Williams asked how close to the Cranberry Pond ACEC the site is. Mr. Hall said it is off-property. They will provide that information.

Ms. Charles Lis asked for public comment.

Dennis Charland, Teaberry Lane, asked about the intended development use of the site. Ms. Charles Lis said that his application is just to confirm the wetland resource areas for planning purposes. Mr. Charland asked about what looked like a small path under the power lines. Mr. Killeen said that is a sewer easement. Mr. Charland asked if it is a good time of year to effectively identify wetlands. Mr. Hall said there are three parameters to identifying wetlands: vegetation, hydrology and hydric soils. Snow and frozen ground can make it difficult but woody species can be identified without leaves. Mr. Charland asked about the timing of the peer review given the expected snow. Ms. Charles Lis said if there is a question they may have to wait. Mr. Charland asked if there would be another public hearing when the peer review results are received. Ms. Charles Lis said the initial notice is only notification given. She expects the hearing tonight to be continued to the February meeting, so the date of the next hearing will be known. Ms. Phelan said LEC will prepare a report on their findings and present them to the Commission and the report will be public record. Ms. Phelan said the intention was to have the review completed for the next meeting but that will depend on the weather conditions.

Mike Perf asked about the wetland shown in gray on lot 27. Mr. Killeen said the areas in gray were not part of the request. Mr. Perf also had questions about the sewer easement. Ms. Charles Lis suggested he check with the Town's Engineering Department.

Katrina Bergen and Greg Mertz of the New England Wildlife Center said they are neighbors of the 22E parcel and have the certified and potential vernal pools. They use these lands for their educational program so have an interest in the process and concern about construction. Ms. Bergen said they talked to the applicant about preserving the trail.

Motion: by Ms. Charles Lis to authorize the peer review.

Second: by Ms. Francis.

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

Motion: by Ms. Charles Lis to continue the public hearing for 8-702 to the February 3<sup>rd</sup> meeting.

Second: by Ms. Francis.

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

### **Notice of Intent DEP File#8-704 300 King Hill Rd./Tri-Town Water District**

Steve DeFrancesco, project manager from AECOM was present with Tom Touchet, wetland scientist from AECOM and Eric Muench, project engineer from AECOM. Also present was Jim Arsenault, Braintree Public Works Director. Helen Gordon and Sarah Price from Environmental Partners were also present. Environmental Partners is serving as the Owner Project Manager (OPM) for the Tri-Town Water District.

Mr. DeFrancesco presented an overview of the site. He said there are two treatment plants serving the three communities (Braintree, Randolph and Holbrook) in the Tri Town Water District. One plant is in Braintree and one is in Randolph. The plants are very old and are not made to treat PFAS. The existing intake structure from the reservoir is two 48-inch pipes which will continue to be used. A new raw water pump station will be constructed to pump the water to the new treatment plant. A new access road is proposed off of the existing access road (King Hill Rd.). The new plant will allow water to then flow by gravity to the clear well and chlorine contact tank. From that tank, it will be pumped to Braintree and across the reservoir to Randolph. Two 24-inch subaqueous pipes will be constructed across the reservoir to Randolph. They will be anchored with concrete blocks. He said the project has been going on for two years and they are trying to make it efficient and close in the construction area.

Mr. Williams asked about flared end pipes toward the northeast visible on the plan. Mr. DeFrancesco said they are overland flow for roof leaders. They are trying to leave that area open for future expansion.

Mr. Parker asked about the siting of plant and the potential to reuse the existing gravel road as the new access road. Mr. DeFrancesco said they looked at this and but the proposed access road location minimizes several issues. Ms. Gordon said they have to keep the plant operational during the entire construction process. Mr. DeFrancesco said there is less tree clearing and less wetland impact with the proposed new access road than with widening the existing gravel road.

Mr. Touchet presented the wetland resource areas and impacts. At the entrance to the site there is a perennial stream which has Riverfront Area and Bordering Vegetated Wetland. He said the only activity here is installation of a 2-inch sewer main and repaving the roadway. At the location of the raw water pump station there is impact to 5200 square feet of Bordering Land Subject to Flooding. There is 640 cubic feet of flood storage lost and 1150 cubic feet of flood storage will be created at the area of the subaqueous pipe installation. The top of the Bank to reservoir is B5 flag series and there is also W4 wetland series at the raw water pump station area. There is 45 linear feet of impact to Bank due to the subaqueous pipe installation. Additional wetlands on the site include an Isolated Vegetated Wetland which is series W7, a Bordering Vegetated Wetland which is series W6 which connects to another wetland identified as series W3. The western end of W6 will be impacted by filling approximately 1050 square feet for the new access road. A replication plan was provided which specifies planting 19 trees and 130 shrubs and creating 2400 square feet of wetland.

Mr. Pham asked if any work was proposed on the existing gravel road. Mr. Touchet said the only proposed work was installation of power lines. Mr. Pham asked about the connection between W6 and W3. Mr. Touchet said it is a corrugated aluminum culvert under the gravel road. Mr. Pham asked if the gravel road needs to be widened and if tree clearing is needed for the utility pole installation. Mr. Touchet said there is minimal tree removal needed to install the utility poles but more would have to come out if it was widened to be used as the access road. Ms. Charles Lis asked about installing the poles on the proposed access road instead and restoring the gravel road. Mr. DeFrancesco said they could install the poles on the proposed access road. Mr. Pham asked for the total acreage of tree removal. Mr. Touchet said they would provide that. Mr. Williams asked about the power source for the generator. Mr. DeFrancesco said it is diesel.

Mr. Muench presented the stormwater management plan which consists of three basins, two hydrodynamic separators and grass channels. The proposed treatment plant roof and parking will drain to Basin 1 (an infiltration basin with sediment forebays) via grass channels. He said it is sized so large because it also provides attenuation of peak flow. Basin 2 is a pocket wetland with a forebay and captures runoff from a portion of the new access road. A hydrodynamic separator is proposed to treat the low point of the road and it drains to the wetland (W6). Basin 3 is a lined basin which captures perimeter drains and roof runoff only and is used for flow attenuation. The last hydrodynamic separator is proposed near the raw water pump station.

Ms. Charles Lis noted that Ms. Phelan prepared a detailed staff memo. She said she didn't want to go through each item at the meeting but expects that the applicant will address all of the comments in writing. She noted that she agreed with the comments.

Mr. DeFrancesco said he wanted to explain that the spent wash water equalization basin filters backwash from the pumps and meters it back to the plant for 98%-99% efficiency of water use. Mr. Pham asked about the sludge line from that tank. Mr. DeFrancesco said that is case sludge needs to be removed. They will add a cleanout.

Mr. Pham asked what Basin 1 was treating. Mr. Muench said the parking lot around the treatment plant is pitched to swales which discharge to the basin. Snow storage is proposed to the left of the building. Mr. Pham asked why there are not curbs shown around the parking lot in the area of the generator. Mr. Muench said they will add that.

Mr. Williams suggested adding stone protection at the curb outlets to prevent erosion from concentrated flow. He also asked why the entire area around the building is paved. Mr. Muench said it is for truck access around the building.

Mr. Williams asked if the existing paved areas were taken into account in the design of the stormwater management system. Mr. Muench said none of the existing plant goes toward the site of the new plant. The new plant site is higher than the existing site. Mr. Williams asked if the old plant would be removed once the new plant is constructed. Mr. Arsenault said most of the structures will probably be removed in the future but some may be kept for maintenance use. Mr. Williams clarified that they would file a new Notice of Intent for that work. Mr. Arsenault said yes.

Mr. Arsenault said then new plant has been in the planning stage for many years and is badly needed. Ms. Charles Lis said she is happy to see it moving forward and noted the importance of good drinking water.

Ms. Charles Lis said she felt the impacts to Riverfront Area and wooded areas are particularly important to address. She said more information is needed on the wetland replication, including cross-sections, groundwater elevation and more trees should be added. She suggested that the Commission may be willing to consider a lower replication ratio to avoid disturbing mature trees at the replication area and stressed the option to look at an open-bottom culvert for the crossing to avoid impacts. She also noted that a wildlife habitat evaluation is needed due to the impacts to Land Under Water and Bordering Land Subject to Flooding and requested more detail on how performance standards are met. She suggested some mitigation could be done in the area of the old plant. She also stressed the importance of complying with Natural Heritage and Endangered Species Program requirements for work within Priority Habitat of Rare Species.

Ms. Charles Lis said she appreciates that they tried to minimize tree removal for the stormwater system but that the possibility of subsurface structures should be considered. She also stressed the importance of adding Zone A to the site plans. She raised concern about the Stormceptor 450i and noted that DEP has not allowed more than 25% TSS removal credit for it. She suggested the Commission make a site visit and suggested the possibility of a peer review.

Ms. Price said that as the Owner's Project Manager, they have been reviewing the project for the last year and half. Mr. Arsenault agreed. Mr. Williams asked that the summary of that review be provided.

Ms. Charles Lis asked for public comment. There had been a comment in the chat earlier about the cost of the treatment plant but that person was no longer on the call. Ms. Charles Lis advised that question should be directed to the Town. There were no other comments.

Ms. Pham stressed the option of going subsurface with the stormwater structures. Mr. DeFrancesco said there are too many subsurface utility lines. Mr. Arsenault said he doesn't like subsurface structures because they are once they are out of sight they are out of mind and more difficult to maintain. Mr. Pham said he is concerned about erosion in the basins and that the constructed wetland should have a planting plan and appropriate hydraulic connection.

Mr. Pham also raised a concern about the new sewer main in King Hill Rd access road, which is proposed to be located above the stormwater drain. He said there is potential for it to crack in the future and discharge to the stormwater system. The possibility of lining it or re-using the existing line was discussed. Mr. Muench said they will look at adding a double-walled pipe in this location.

Ms. Charles Lis said that Basin 1 should be heavily vegetated it not also reduced in size. Mr. Pham asked for clarification of the soils. Mr. Muench will confirm the soils in that area.

Motion: by Ms. Charles Lis to continue the public hearing for 8-704 to the February 3<sup>rd</sup> meeting.

Second: by Ms. Francis.

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

#### **Notice of Intent DEP File # pending 41 Middle St./Town of Braintree\***

Kelly Phelan, Conservation Planner was present as the applicant for this project. Ms. Phelan said that, as requested, she had provided an Operation and Maintenance Plan and a memo from the consultant on three trail surface options. She also drafted conditions. She said that based on the memo and her experience with the stone dust trail at Watson Park, she supports the stabilized stone dust option. The trail at Watson Park was flooded twice and showed no signs of erosion.

Mr. Pham said he was okay with it. Mr. Williams said the combination of aggregate and stone dust is good. Ms. Charles Lis agreed.

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

Motion: by Ms. Charles Lis to issue the Order of Conditions for 41 Middle St. as drafted.

Second: by Ms. Francis.

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

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

Second: by Ms. Francis.

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

#### **OTHER BUSINESS**

##### **Request for Certificate of Compliance 8-649 50 Jensen Farm Rd.**

Ms. Charles Lis noted that Ms. Phelan's recommended issuing the Certificate of Compliance with surviving conditions.

Motion: by Ms. Charles Lis to issue the Certificate of Compliance for 8-649 50 Jensen Farm Rd. with surviving conditions as noted and return the as-built guarantee.

Second: by Ms. Francis.

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

##### **Approval of Minutes December 2, 2021**

Motion: by Ms. Charles Lis to approve the December 2, 2021 minutes.

Second: by Ms. Francis.

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

#### **Adjourn**

Meeting was adjourned at 9:45 PM.

Continued from December 2nd meeting