

Department of Planning and Community Development

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Mayor Charles C. Kokoros

Braintree Conservation Commission

Heather Charles Lis, Chair
Christopher Hayward, Vice Chair
Kimberly Kroha, Clerk
Joyce Albrecht
Diane Francis
Peter Williams

Staff: Kelly Phelan

APPROVED

CONSERVATION COMMISSION AGENDA JANUARY 7, 2021 MEETING 7PM REMOTE MEETING

Present: Heather Charles Lis, Christopher Hayward, Kimberly Kroha, Joyce Albrecht, Diane Francis, Peter Williams

Absent: none

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.

PUBLIC HEARINGS

Request for Determination of Applicability 60 Albee Dr./Vo (continued from December)

Staff noted that Mr. Vo's engineer requested the hearing be continued to the February meeting.

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

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Request for Determination of Applicability 39 Lunar Ave./Sinclair

Ferrante Sinclair was present. He said they propose to remove the existing deck and replace with 16' x 20' deck. Ms. Charles Lis asked if he had reviewed the staff report and draft conditions, including the condition to relocate the shed which is located in the floodplain. Mr. Sinclair said they had but do not want to relocate the shed. He said the shed has been there for forty years. Mr. Hayward asked for the size of the shed. Mr. Sinclair said it was about 6' x 8' and is used to store the lawnmower, snow blower and toys. Mr. Hayward said since the shed has been there so long he would be willing to eliminate the condition to relocate it. Members agreed.

Motion: by Ms. Charles Lis to issue a negative Determination of Applicability with conditions as drafted and amended.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Motion: by Ms. Charles Lis to close the public hearing for 39 Lunar Ave.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Notice of Intent DEP File # 8-683 40 Arnold St. (71 Adams St.)/Adams Street, LLC (continued from December)

Staff said the applicant had requested a continuation to the February 4th meeting.

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

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Notice of Intent DEP File #8-684 345 Grove St./Liden Corp.

Brad MacKenzie, project engineer from MacKenzie Engineering Group as was Olga Lindenko from Liden Corp. and Noreen O'Toole from Platinum Partners.

Mr. MacKenzie said their objective that night was to present revised plans to the Commission before filing with the Planning Board. They provided an alternative to respect the 25 foot no-disturb buffer zone. They rotated the proposed building so that there is no need for the retaining wall in that corner. They will be asking the Planning Board for a waiver on the requirement for the landscape buffer. The landscape buffer within the roadway layout helps to mitigate this. They will ask MA DOT for a permit to enhance the landscaping in the layout, between the roadway curb and property line.

Mr. McKenzie said they also revised the subsurface system to make it larger and eliminated the drainage outfall. They will infiltrate all runoff up to the 100 year storm. Also, instead of impacting six trees they will only impact 2 trees and will replace those.

Mr. Hayward said they did a great job honoring to the 25 foot buffer and keeping the stormwater on site.

Ms. Albrecht said she listened to the recording of the December meeting and she agreed that this is great improvement over what was previously presented. Mr. Williams agreed.

Ms. Charles Lis asked what would happen in the event of storm greater than the 100 year storm. Mr. McKenzie the said the infiltration unit would surcharge.

Ms. Charles Lis asked for public comment. Councilor Boericke from District 5 said she was representing one of her constituents, Lucille Barker. Ms. Barker is concerned about flooding. There is water in the woods on the property. She is also concerned about the carwash managing chemicals and water.

Mr. McKenzie said there is no stormwater treatment presently. Stormwater flows to the Town drainage system in Grove St. Their system will retain up to the 100 year storm and infiltrate it to the underlying soil. The project meets the stormwater standards. The carwash wash water will be self-contained in the building. Floor drains will tie into an oil/grease separator and convey flows to the sanitary sewer system. No cars will be washed outside. Ms. Lidenko said they use premium, environmentally friendly brands of chemicals. Ms. Boericke said it sounds like the project will improve the situation and not exacerbate it.

Mr. McKenzie asked the Commission if they would entertain a proposal to remove unsightly vegetation in the buffer along the entrance from Grove St. and replace it with a wildflower mix or small shrubs. Mr. Hayward said he would support removal of bittersweet and other invasive plants and replacement with native plants. Ms. Charles Lis suggested that they could implement their proposed buffer zone improvement plan and remove yard waste and other debris.

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

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Notice of Intent DEP File #8-685 Hancock St. & Plain St./Town of Braintree

Notice of Intent DEP File #8-686 Hancock St. & Plain St./Hollingsworth Pond, LLC

Staff recommended that the hearings be opened simultaneously as they pertain to the same site and are being presented by the same consultant.

Kristopher Houle with MA Division of Ecological Restoration introduced the project team: Kelly Phelan from the Town; Ron Marshall and Rob St. John from Hollingsworth Pond, LLC; Andie Greene and Matthew Sanford from Milone and MacBroom, Inc. and Brad Chase from MA Division of Marine Fisheries. Other project partners include NOAA, USFWS and the Public Archeology Laboratory, Inc.

Mr. Houle said the site is a former industrial mill complex with a portion of the one of the buildings located over the Armstrong Dam. The dam impounds Hollingsworth Pond. The site also includes the former Ames Pond Dam located downstream. That dam is largely breached. Further downstream are the Rock Falls which is rock waterfall type of feature. The river restoration project is being filed as an Ecological Restoration Notice of Intent while the bridge project is filed as a typical Notice of Intent. Other permit applications filed include a 401 Water Quality Certification, Ch. 91 Dredge Permit and Bridge License, Ch. 253 Dam Safety Permit.

Mr. Greene and Mr. Sanford continued the presentation. Mr. Greene is a civil engineer. He noted that dams are failing in increasing numbers around the country as they are no longer needed for industry and may be undersized for current rainfall. The project will increase climate resilience, provide access to the river and restore migratory fish run.

Mr. Sanford is a Professional Wetland Scientist. He said the resource areas were flagged by LEC in 2016 and reviewed by them in 2018. Resource Areas include: Bordering Vegetated Wetland (BVW), Inland Bank (IB), Land Under Water (LUW), Bordering Land Subject to Flooding (BLSF) and Riverfront Area (RA). There is also buffer zone to Bank and BVW.

Mr. Greene said they analyzed the hydrology of the river and using guidance from NOAA, increased the size of storm events by 20% to account for climate change. The restored channel will be stabilized with joint-planted boulder revetment and cobble toe protection at the bends. In addition to removal of the Armstrong Dam and channel restoration, the project includes removal of the Ames Pond Dam, management of contaminated sediment in Hollingsworth Pond, construction of a public access boardwalk and trail and construction of fish passage at the Rock Fall.

Mr. Sanford addressed the Resource Area impacts. There will be a net loss of 330 linear feet of Bank, conversion of LUW to BVW and a gain in BLSF and RFA. He said the bridge plans reflect the future condition of the site, after channel restoration (the channel will be wider than it is now).

Mr. Sanford said construction will begin with drawdown of the pond and the exposed impoundment is expected to vegetate rapidly. It will be supplemented with native plantings. The bridge will be a steel girder structure with the two travel lanes and a sidewalk. The fish passage options at the rock falls will either be a bypass channel or a steep pass ladder, depending on project funding. A planting plan for the bypass channel will be designed if that is the chosen alternative.

Mr. Greene addressed the plans for management of sediment in Hollingsworth Pond. He said they have done many dam removal projects and tailor the approach to what best fits the site. In this case, they will gradually dewater the impoundment to consolidate sediment. When they construct the channel they will excavate approximately 4500 cubic yards. Of this, approximately 3000 cubic feet

will be removed from the site and the balance will be capped with geotextile on the east side of the impoundment.

Brad Chase from MA Division of Marine Fisheries addressed the fish passage alternatives. He said both options (bypass channel and steep pass) will pass fish over a range of flows. The bypass channel is preferred as a more naturalized option.

Ms. Charles Lis thanked the team. She noted that for Ecological Restoration Orders of Conditions special conditions may added under the local bylaw. She addressed items raised in the staff report. She requested that all flag numbers should be included on the site plan and that an invasive species control plan be provided. Mr. Houle said that two years of photographic monitoring is standard in Ecological Restoration Orders of Conditions. Ms. Charles Lis suggested this be added to the narrative. In terms of the number of live stakes to be planted, Mr. Sanford said the number is 200 stakes for each bend. They will revise this on the plans for the next meeting. They will also add additional trees to provide more shade as requested in the staff report.

Mr. Sanford addressed remaining items in the staff report. They are trying to strike a balance between seeding areas of the former impoundment versus planting it. They have been successful in seeding large broad areas of floodplain. Ms. Charles Lis asked about scattering clusters of shrubs. Mr. Sanford said they could do that but he prefers to create diversity of habitat types, such as a wet meadow and shrub swamp. Mr. Sanford said they will provide a detail of the restoration along the bank.

In terms of water management and phasing, Mr. Greene said the Time of Year Restriction limits when they can work in the water to July and August, which are typically low-flow months. They will use cofferdams and bypass pumping with backup. The contractor will also be required to provide an emergency plan.

Mr. Greene addressed the proposed plunge pools on an adjacent property. He said they like to include it in case it is needed but they won't know until they get in the water. Staff said she will reach out to the property owner.

Ms. Charles Lis noted that DEP commented that the stormwater standards should apply to the trail. She said it would be helpful to have the stormwater checklist for the bridge and the trail. She asked about the possibility of making the trail permeable. Mr. Houle said they considered a permeable trail but it is not feasible due to the AUL on the site. Mr. Sanford said the trail would not generate concentrated flow so they can utilize the existing riparian strip to remove the minimal pollutants. Ms. Charles requested a basic O&M plan for the trail to specify that no sodium chloride could be used.

Ms. Kroha asked if the project would change the elevation of the river beyond the immediate project area. Mr. Greene said this dam does not provide flood control because the pond is always full. He said there would be almost no change downstream and a slight improvement at Plain St.

Eric Hutchins from NOAA said the driver of the project is anadromous and diadromous fish passage which is important to commercial and recreational fisheries. There are also benefits to other

wildlife such as turtles. He said that he has seen a lot of dead turtles below the dam where they crashed into the rocks. This will stop that impact. Mr. Hutchins added that there has been a lot of review of the project associated with the grants involved.

Ms. Charles Lis asked if there was public comment.

Mike Richardi from Weymouth said he volunteers with Division of Marine Fisheries and the Fore River Watershed Association. He asked if there would be dry passage under the bridge for animals. Mr. Sanford said the bridge abutments are upgradient of the bank and outside the channel. Mr. Richardi said there is an outcrop of vinyl/plastic debris downstream of the second dam and asked if it would be removed. Staff said it may be part of the AUL (Activity and Use Limitation) associated with the site. Mr. Richardi asked if the project included anything to improve the storm drain across from the bypass. Mr. Houle said the scope of the project is limited.

Robert Kearns said he is excited about the project and thanked the team. He said he prefers the bypass channel.

Charlotte McGinty from Kensington Ave. said she is concerned about flooding. She said her neighborhood experienced a lot of flooding and she is worried this will make it worse. Mr. Greene said the dam doesn't provide any flood control and its removal won't have an impact downstream.

Carl Pawlowski from the Fore River Watershed Association said he appreciated the work that Robert Kearns and Mike Richardi have invested in restoring the fish run.

William Crispin from Virginia said he owns Arnold Meadow which is 47 acres of wetland downstream. He is concerned about the soil management plan. His land is flat and sediment would settle out there. He said the Sediment Management Plan doesn't calculate the amount of sediment that can be released. He said the 2016 study said the sediment is life threatening to people and fish. Mr. Greene said they are working with DEP on the Sediment Management Plan and the 401 Water Quality Certification application. They did numerous rounds of testing. Mr. Houle said any mobile sediment will be dredged and not released downstream. He added that they have made leaps and bounds in terms of understanding the site since 2016. Mr. Crispin said there is an aquifer under his property with hundreds of thousands of gallons of water. He said if there was a release it would damage the aquifer. Ms. Charles Lis suggested Mr. Crispin follow up on his additional comments in writing.

Motion: by Ms. Charles Lis to continue the hearings for 8-685 and 8-686 to the February 4th meeting.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Notice of Intent DEP File #8-687 (pending at time of hearing) 75 Harness Lane & Jensen Farm Rd./Allman

Ken Allman, applicant, was present as well as Garrett Horsfall, project engineer. Mr. Allman said there are three houses sharing a common driveway and they were told in the past that a fourth house would not be allowed. He made an agreement with the developer of the adjacent Liberty Farms subdivision to have a driveway from that subdivision to a new lot carved out of 75 Harness Lane.

Mr. Horsfall presented the project plans. They propose to combine 1.3 acres from 75 Harness Lane with the .29 acre unbuildable lot at Jensen Farm Rd. to create a new, buildable lot and construct a single-family home with a 10-foot wide driveway. The proposed driveway would cross a wetland on the Jensen Farm lot. There is an active Order of Conditions on several lots on Jensen Farm Rd. They propose to alter 575 square feet of the wetland and replicate a 735 square foot area. The proposed driveway has a 3:1 slope with an 18-inch culvert crossing under it to maintain a hydrologic connection. A bioretention area is proposed for the driveway runoff and subsurface galleys are proposed to infiltrate the first one-inch of roof runoff. They will replace trees in accordance with the tree protection standards of the bylaw. Mr. Horsfall said the project meets the standards of the Wetlands Protection Act.

Mr. Horsfall addressed comments raised in the staff report. They would need rights from the other owners of the common driveway to access the new lot from the existing common driveway. This would also require a variance and significant grading. They considered using a retaining wall to minimize the foot print of the proposed driveway but it would look unnatural and would inhibit wildlife.

Ms. Charles Lis encouraged the applicant to consider the option for a variance to avoid impact to the wetland. She said the source of the wetland flagging should be noted on the plan and the replication plan should be detailed. She also believe the filing fee for a replication project should be higher. Staff will check this.

Ms. Kroha said she it was difficult to see how the wetland alteration could be allowed. She suggested the applicant talk to the Zoning Board about the alternate access.

Ms. Charles Lis said the local wetland bylaw is clear that there is no process for exemptions to the 25 foot no-disturb buffer unless it is an existing single-family lot. She said the Massachusetts Association of Conservation Commissions buffer zone guidebook notes that steep slopes in the buffer zone lead to greater impacts and a wider buffer zone is needed to get the same protection.

Ms. Charles Lis asked for public comment.

Peter Brown of 85 Harness Lane said he witnessed the developer of the Jensen Farm Rd. subdivision cut down all of the trees on the site. He said lots of wildlife use this area and there would be a significant loss of carbon storage from removing all the trees in the proposed project area. There are also glacial erratics and old stone walls. He is opposed to the additional development. He would not agree to putting a driveway through the corner of his property nor would he accept an easement over his property for a driveway.

Ms. Charles Lis noted that she agreed with the other comments in the staff report. If the wetland alteration is going to be considered, a different location for the replication area should be considered to minimize tree removal. She said a cross section of the replication area should be provided and include groundwater elevation. Plantings on either side of the driveway should be added and an O&M plan would be needed. She said that she encouraged the applicant to look at alternative access given the concerns raised by members and staff. Mr. Horsfall said they will provide a formal response to the comments and concerns.

Mr. Williams suggested a site visit. Ms. Charles Lis suggested members go on their own due to Covid-19.

Motion: by Ms. Charles Lis to continue the hearing for 75 Harness Lane and Jensen Farm Rd. to the February 4th meeting.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Staff noted that Qi Li Tan raised their hand (virtually) to comment on the project. Ms. Charles Lis noted that the applicant had already left the call. She apologized and suggested Ms. Tan attend the February 4th hearing and/or provide written comments to staff.

OTHER BUSINESS

Watson Park Educational Plan Proposal

Susan Israel and Jake Scherlis of Climate Creatives were present. Ms. Israel said she had met again with Elise Leduc from Woods Hole Group and staff to discuss the project. Mr. Scherlis presented three conceptual options for the Commission to consider to raise awareness of sea level rise as part of the flood protection berm project at Watson Park. Members preferred the “ribbon” option which resembles waves. Ms. Israel and Mr. Scherlis will finalize this design.

Request for Certificate of Compliance 8-129 46 Mayflower Rd.

Staff noted that the Certificate of Compliance had been voted in 1981 as reflected in the July, 1981 minutes but there was not a copy of it in the file and apparently it was not recorded at the Registry of Deeds. Upon the advice of the Assistant Town Solicitor, she recommended the Commission vote to reissue the Certificate.

Motion: by Ms. Charles Lis to issue the Certificate of Compliance for 8-129 46 Mayflower Rd.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Update on 169 Walnut St. Enforcement Order

No update.

Update on 1209 Washington St. Enforcement Order

No update.

Approval of Minutes – December 3, 2020

Ms. Charles Lis said she had made a few edits to the draft minutes and staff had forwarded these to the members.

Motion: by Ms. Charles Lis to approved the December 3rd minutes as amended.

Second: Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.

Adjourn

Motion: by Ms. Charles to adjourn the meeting at 11:15 PM.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Kroha, Albrecht, Francis, Williams), Against: 0, Abstain: 0.