

Department of Planning and Community Development

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Mayor Charles C. Kokoros

Braintree Conservation Commission

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

APPROVED

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, JANUARY 9, 2020 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Joyce Albrecht, Diane Francis, Christopher Hayward, Kim Kroha, Heather Charles Lis (Chair), Peter Williams & Kelly Phelan, Staff

Absent: none

Public Hearings

Request for Determination of Applicability 61 Oakledge Dr. /Fernald Family Trust

Joe Fernald was present. He said he would like to construct a 14' x 20' sunroom addition off the side of the house. The addition would be on sonatubes.

Ms. Charles Lis asked Mr. Fernald if he had seen staff's memo regarding the encroachment by the manmade pond onto Devon Woods land. Mr. Fernald said he had. He said it had been done about 30 years ago and he did not realize it was over the property line. He said a brook comes from behind Fox Ledge Rd. and enters a culvert which often backs up. He installed an in-ground pool in 1999 and the Commission knew of the man-made pond then.

Ms. Charles Lis said she understood a previous Commission knew of the pond and did not take action. She is concerned that it is over the property line on land that is protected by a Conservation Restriction. She sees three options: remove the pond, swap other land into the restricted area, or leave it as it is. Mr. Fernald wondered if there was a statute of limitations on requiring removal. Ms. Charles Lis said she does not believe there is a statute of limitations for encroachment on land protected by a conservation restriction.

Mr. Williams asked about the drain easement noted in the staff report. Staff said she reviewed the files and there were conditions referencing a drainage easement but no documentation that it was ever created.

Mr. Williams asked about the resource areas. Staff said the property is within Bordering Land Subject to Flooding but is mapped as Zone A (no base flood elevation provided by FEMA). It is also within the buffer zone to Bordering Vegetated Wetlands and Bank.

Ms. Charles Lis asked Mr. Fernald if he had any information on the base flood elevation from construction of the house. Mr. Fernald said he did not. Ms. Charles Lis said raising the addition on sonatubes may be sufficient to elevate above the floodplain but it is hard to determine without a base flood elevation. FEMA could be asked to do a determination.

Ms. Kroha said there is work within a resource area and it seems a Notice of Intent should be required. Mr. Hayward said the addition could be within the 25 foot buffer zone of the man-made pond. Staff said the house is on an elevated plateau and the addition will be on the plateau as well. The plateau appears to be at least 10 feet higher than the back and side of the lot.

Ms. Charles Lis asked Mr. Fernald why the sonatubes had been installed without approval of the Commission. Mr. Fernald said he wanted to get them in before the ground froze for the winter. Ms. Charles Lis advised Mr. Fernald to do no more work without approval from the Commission.

Members agreed to schedule a site visit; date to be determined.

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

Motion by Ms. Francis to continue the hearing to the February 6th meeting. Second by Mr. Hayward. Vote: 6-0-0.

Request for Determination of Applicability Allen St. Reconstruction/Town of Braintree

Amy Archer, project engineer with Pare Corporation was present with Lauren Gluck, wetland scientist from Pare Corporation. Ms. Archer noted that Bob Campbell, Town Engineer, had a conflict with another meeting and could not attend.

Ms. Archer presented the project, which is reconstruction of Allen St. from Quincy Ave. to Shaw St. Allen St will become a one-way street with an 18-foot westbound travel lane toward Shaw St. and a 9-foot sidewalk. The retaining wall supporting Allen St. will have a full reconstruction in locations as shown on the plans. Other locations as shown on the plans will have the top few feet replaced with a "moment slab".

Ms. Gluck addressed the resource areas. The site was not delineated because they did not anticipate filing a Notice of Intent and because most of the bank of the river is a wall. Bordering Land Subject to Flooding (BLSF) comes up to the base of the retaining wall supporting Allen St. The

only work in BLSF is removal of vegetation to access the wall. The area will be restored to existing grade and seeded. She said roadway reconstruction work is exempt from the Wetlands Protection Act when in the buffer zone and Riverfront Area but they filed because of the temporary disturbance within Bordering Land Subject to Flooding.

Ms. Archer presented the drainage plan. Allen St. will be reconfigured to meet with Thayer Avenue. A new catch basin will be installed at the corner and tie into the Shaw St. system. Two catch basins on Allen St. in the area of the full retaining wall replacement will be replaced with deep sump catch basins. These will incorporate a "chimney" structure to direct flow to the base of the wall where it will discharge at grade. New gutter inlet catch basins will be placed at the curb line at the remainder of the retaining wall where the "moment" slab will be done. There is no change in impervious area or flow.

Ms. Archer said stockpiling areas need to be defined by the contractor. Filter sock will be installed along the limit of work at the base of the retaining wall. The work for the full wall reconstruction will be done from the properties at the base of the wall while the moment slab work will take place from Allen St.

Ms. Charles Lis requested the inner riparian be added to the plans as well as BLSF, Mean Annual High Water and Coastal Beach. A note that these were not field delineated should be added to the plan.

Mr. Williams asked about grade changes in BLSF. Ms. Archer said it was proposed to be loamed and seeded with no grade change. There are no plans to plant trees or shrubs in this area. Ms. Charles Lis said there are mature, native trees growing out of the retaining wall and would like to see some plantings going back in at the base of the wall. Ms. Archer noted that the area at the base of the retaining wall is private property. Given the sidewalk width there could be space for planting along the sidewalk. Tree box filters were going to be installed in the sidewalk but the timing of the grant funding did not work out. Tree box filters need to be designed in now. Ms. Charles Lis suggested they go back to the Town Engineer and get approval to include the tree box filters.

Ms. Charles Lis asked if the staging and stockpiling area would be out of the BLSF. Ms. Archer said it would be up to the contractor but they could conceivably use the road work area as it will be closed to through traffic for a period of time.

Ms. Charles Lis said the Commission could require a Notice of Intent since there is work within BLSF and a change in the drainage system. Ms. Kroha said the project does not seem to be exempt from the local bylaw. Ms. Gluck said they are staying out of the 25 foot no-disturb buffer required by the bylaw but the project would be exempt from the bylaw regardless. Mr. Williams asked that they provide documentation of why they feel the project is exempt from the local bylaw.

Mr. Williams said there is no elevation shown at the base of the wall. They should confirm that there will not be a loss of flood storage.

Ms. Charles Lis asked for a detail of the erosion control to be added to the plan as well as detail of the deep sump catch basin and hood. Also, the scour protection at the base of the wall should be added and information on seeding and planting provided. Mr. Williams requested the plans be stamped by the project engineer.

Ms. Charles Lis asked about the new bump-out at the intersection with Shaw St. Ms. Archer said they can put a planter there and will add that.

Ms. Charles Lis asked for any public comment.

Attorney Carl Johnson was present with his client, Andrew Bentley of 94 Allen St. /99 Shaw St. Mr. Bentley has concerns about the drainage. Mr. Johnson asked if the chimney noted in the project narrative was shown on the plans. Ms. Archer said they added that detail to the plans. Mr. Johnson asked if the drainage could drain underground to the river rather than across his client's property. Ms. Archer said they would not be able to create a new direct discharge to the river. Mr. Johnson asked if they could tie into the system on Shaw St. Ms. Archer said they would have to determine capacity of the system. She said they propose to maintain the existing discharges across the property but add scour protection. Mr. Williams asked that the scour protection detail be added to the plan.

Mr. Bentley asked if there would be more water coming down Allen St. from Thayer Rd. Ms. Archer said nothing on Thayer Rd. would be changing and the new catch basin on Allen St. will catch the water from Thayer Rd.

Dan and Julie Tobin from 62 Thayer Rd. said this was their first opportunity to see the plans and they appreciated the notice of the meeting. They will contact the Town Engineer to follow up.

Motion by Ms. Francis to continue the hearing to the February 6th meeting. Second by Ms. Albrecht. Vote: 6-0-0.

Other Business

Sunset Lake – Sand Addition

Nelson Chin, Recreation Director and Chris Griffin, Assistant Recreation Director, were present. Staff noted she received a call that sand was being spread on the beach at Sunset Lake and the work had not been reviewed by the Commission. Mr. Chin and Mr. Griffin said they had replenished the sand with 300 tons of mason sand from Reed Custom Soil. Mr. Griffin provided a sample of the sand used. The sand was spread by the DPW employees.

Staff noted that sand replenishment on a coastal beach requires significant review because the sand is actively transported by wave action. This is less of an issue at the beach of a lake.

Mr. Williams asked how well the replacement sand matched the existing sand. Mr. Griffin said it matched very closely. They compared samples and chose the mason sand based on how well it matched the existing sand. Mr. Chin noted they had never before replenished the sand to his knowledge.

Mr. Hayward asked over how much of an area the sand was spread. Mr. Griffin said approximately 43,000 square feet to a depth of 1.5-2 inches. He has a map at the office which he will provide for the record.

Ms. Charles Lis said she did not think it was necessary for the applicant to file a retroactive RDA or NOI but wanted the DPW to be clear that future work within 100 feet of a wetland, lake or pond or within 200 feet of a river, requires review and approval by the Commission.

Mr. Chin asked about replacing the stone dust on the walkway through Watson Park which is along the river. Staff said she would consider that maintenance. Ms. Charles Lis agreed.

Mountain Bike Access to Blue Hills

Mr. Williams said he had no additional information since the December meeting and requested it be tabled.

Establishment of Stewardship Committees or

Staff said a leader for a Girl Scout Troop is interested in developing a "quest" or geocache type of program. She will provide more information.

The Commission is also interested in scheduling nature walks to various areas in the spring. This item will be left on future agendas for continued discussion.

Other

Ms. Charles Lis said that Mr. Murphy had resigned and suggested reorganization of the Commission be scheduled for the next agenda.

Approval of Minutes – December 5, 2019

Motion by Ms. Francis to approve the December 5th minutes. Second by Mr. Hayward. Vote: 6-0-0.

Adjourn

Motion by Ms. Francis to adjourn the meeting at 9:15 PM. Second by Ms. Kroha. Vote: 6-0-0.