



Mayor
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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 FEBRUARY 3, 2022 MEETING (7PM) REMOTE MEETING VIA ZOOM

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

Absent: Giles Parker, 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)*

Craig Donahue from PEDA, Inc. was present on behalf of the applicant. Ms. Phelan shared her screen with the revised plan and noted that she had prepared draft conditions. Mr. Donahue said that they accepted the conditions. Ms. Charles Lis asked for comment from the Commission, there was none. Ms. Charles Lis asked for public comment. There was none.

Motion: by Ms. Charles Lis to continue the issue the Order of Conditions for 8-700 as drafted.

Second: by Ms. Francis.

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

Motion: by Ms. Charles Lis to close the public hearing for 8-700.

Second: by Ms. Francis.

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

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

Ms. Charles Lis noted the applicant for 8-702 had requested a continuation to the March 3, 2022 meeting.

Motion: by Ms. Charles Lis to continue the public hearing for 8-702 to the March 3rd meeting.

Second: by Ms. Francis.

Vote: In favor: 4, 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 were John Thompson and Lou Dutton from the Braintree Public Works Department. Sarah Price from Environmental Partners was also present. Environmental Partners is serving as the Owner Project Manager (OPM) for the Tri-Town Water District.

Mr. Touchet noted that they had provided a response letter to the Commission on Friday. He summarized the responses from the letter. The limit of work was reduced from 8.12 acres to 7.5 acres. Tree clearing was reduced from 349 to 266 and they increased the number of trees to be planted to 311 (more trees will be planted in the replication area and the old King Hill Rd. will be restored and planted). They reduced the area of replication to reduce removal of mature trees. The replication area will be sized to be closer to a 1:1 ratio rather than a 2:1 ratio. They moved the proposed utility poles to the new access road rather than the old King Hill Rd. They propose to remove the culvert under the old road and restore the channel. The adjusted Basin 1 which allowed them to pull in the limit of work. They also propose to encase the new sewer line in concrete where it crosses the storm drain. They also added the geomembrane liner to Basin 3.

Ms. Charles Lis noted the letter from the Natural Heritage and Endangered Species Program (NHESP). The reservoir is habitat for the eastern pondmussel, a species of special concern. NHESP requires a Conservation & Management Permit for the project. The Commission is not allowed to issue an Order of Conditions until NHESP issues the Conservation & Management Permit.

Mr. DeFrancesco said they met with the Randolph Conservation Commission a few weeks ago. The Randolph Commission voted to closet the hearing but not issue the Order until that issue is resolved. Ms. Charles Lis said that the Braintree Commission typically waits to close the hearing until the vote on an Order of Conditions. Also, if changes are required by NHESP they can be addressed while the hearing is still open.

Mr. Pham asked if a new stormwater report would be prepared due to the change in size of the basin. Mr. Muench said they haven't changed the volume of the basin, just the shape. Mr. Pham also asked for a detail on the cast for the sewer line protection. Mr. Muench noted the note on the plan but will also look for a detail of it. Mr. Williams said there should be plenty of space for the cast since it is a force sewer line.

Ms. Charles Lis restated from the last hearing that she is not comfortable with the 80% TSS removal rate for the Stormceptor 450i. She would like to see this credit changed to 25%. Mr. Muench asked if she would like to see the larger Stormceptor model used. She said the larger models have been tested but the 450i does not have that documentation. Mr. DeFrancesco said it is only to treat a small area of the access road. Mr. Pham suggested the possibility of a leaching catch basin in this area. Mr. Muench said they would be in an area of high groundwater. They will go back and take a look at this area.

Ms. Phelan asked for clarification of the Zone A issue. Both Basin 1 and Basin 3 are in the Zone A but they propose to line Basin 3 to prevent infiltration because of the Zone A but propose to use Basin 1 as an infiltration basin. She wondered about this inconsistency. Mr. DeFrancesco said it was because Basin 1 has a longer route to the drinking water supply. They prefer to be extra safe with Basin 3. Ms. Charles Lis suggested including a finding on this in the Order of Conditions.

Ms. Charles Lis said she appreciated the written response on the habitat assessment requirement which noted that the area of impact in Bordering Land Subject to Flooding was lawn and paved area. She suggested that Commission members could keep an eye out during the site visit for potential habitat in this area. She also noted the requirement for habitat assessment for impacts to Land Under Water. Mr. Touchet said the report from the mussel biologist included observations on benthic habitat.

Ms. Charles Lis asked for a stand-alone O&M Plan which will be referenced in the Order of Conditions. She asked that the applicant add language restricting herbicide, pesticide and fungicide as well as a restriction on sodium chloride.

Ms. Charles Lis thanked the applicant for making the changes and the reduction in the limit of work and additional plantings. She noted that she had asked at the last hearing that woody species be included in the basin planting plan. Mr. Muench said they included a rush species in the pocket wetland basin (Basin 2) but they propose to seed Basin 1 so that they can mow it twice a year. He said that they would look at this.

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

Mr. Pham said that if the BMPs are constructed in the winter the soil will be compacted. He would like to see a spec to auger the soil or do a drawdown test. Ms. Charles Lis agreed and suggested a callout on the plan to protect the BMPs during construction.

Motion: by Ms. Charles Lis to continue the public hearing for 8-704 to the March 3rd meeting.

Second: by Ms. Francis.

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

Abbreviated Notice of Resource Area Delineation DEP File #8-705 360 Wood Rd./DeVellis

Jim DeVellis, civil engineer, from DeVellis Zrein, Inc. was present. Also present was Nicole Hayes, wetland scientist, from Goddard Consulting. Mr. DeVellis said he had been before the Commission in 2019 for their client, Hilco. They gave the existing building at the site a facelift and repaved the site, under an RDA. Goddard Consulting had flagged the wetlands for that project. They noted the stream as intermittent in that application but there was a previously approved ANRAD which determined that the stream was perennial. They did not wish to take the time to challenge that at that point but would like to address it now, so they filed this ANRAD. He said that Hilco has two tenants and they will be coming in with an RDA for a loading dock soon.

Ms. Hayes said that the stream channel is listed as intermittent on the USGS maps and that the Army Corps is the authority and the only one who can determine whether a stream is intermittent or perennial. She said they provided StreamStats analysis showing that the watershed is under the 0.5 square mile threshold which is an indicator of being an intermittent stream. She also showed a photo of the stream.

Ms. Phelan said that the USGS map does show the stream as intermittent but that there are additional criteria such as watershed size in the wetland regulations to confirm that a stream is, in fact, intermittent. StreamStats modeling showed the flow in the stream in the opposite direction of how it actually flows. Given this issue with StreamStats in this area, she would like the opportunity to confirm the remodeled StreamStats provided by the applicant but was unable to do so given the snow conditions. She suggested the applicant could hand delineate the watershed on the USGS map in addition to the field verification. Ms. Charles Lis agreed and also suggested checking with DEP.

Ms. Phelan said the applicant could still apply for the loading dock at the next even if the status of the stream is not resolved.

Motion: by Ms. Charles Lis to continue the public hearing for 8-705 to the March 3rd meeting.

Second: by Ms. Francis.

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

Notice of Intent DEP File # 8-706 Plain St. Cemetery/Department of Public Works

Chris Trudel and John Thompson from the Town's Public Works Department, Engineering Division were present. Jess Wala from Nitsch Engineering was also present. Mr. Trudel said they propose to expand the southeast portion of the cemetery. The project includes an 18-foot wide ring road and a total of 9000 square feet of impervious area. They meet all of the stormwater standards except for recharge to groundwater. The test pit they did showed high groundwater at elevation 102.5'. They thought they could not attenuate the 100-year storm but have looked back and they will revise the curve numbers to better reflect existing condition. The road will be pitched toward a berm and curb openings will outlet to sediment forebays which will flow into a water quality swale and then to a detention basin. The basin will outlet to a level spreader and flow over a vegetated filter strip to the wetland. A total of 17 trees will be removed. The water quality swale is in the 25-foot buffer but it is already disturbed. Mr. Trudel said he still owes the Commission a landscape plan and the O&M plan.

Mr. Williams said the plan seems to be an improvement over what was previously filed. (Note: the previous NOI for this project was withdrawn.)

Ms. Charles Lis said the Commission is careful about the 25-foot buffer. She can see it is already disturbed and it is good to have it stabilized and vegetated. She suggested a finding relative to that in the Order of Conditions. She said she is looking forward to the planting plan and asked that they pull the level spreader out of the 25-foot buffer zone. She asked if the cemetery was a Land Use With a Higher Potential Pollutant Load (LUHPPL). Mr. Trudel said he did not think so but would confirm.

Mr. Pham suggested the forebay be granite curb laid flat as it is easier to remove sediment with a shovel from the flat surface than from a rock area. Mr. Trudel said they have large boulders on site that could work as a flat surface. Mr. Pham asked about the potential for the level spreader to wash away in a large storm. Mr. Trudel said it would be a one-foot trench filled with gravel and embedded in the berm. Mr. Williams suggested using granite curb for the level spreader so that water would flow evenly across it.

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

Motion: by Ms. Charles Lis to continue the public hearing for 8-706 to the March 3rd meeting.

Second: by Ms. Francis.

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

OTHER BUSINESS

Discussion on Conservation Ranger Positions

Mr. Williams requested this as agenda item. He suggested there the rangers may need additional equipment. Ms. Phelan will ask the ranger. Ms. Phelan noted that Eric Devlin had recently resigned so there is currently only one ranger.

Approval of Minutes January 6, 2022

Motion: by Ms. Charles Lis to approve the January 6, 2022 minutes.

Second: by Ms. Francis.

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

Other

Ms. Charles Lis noted that she recently accepted another job and would like to pass along the Chair position. She would like to discuss this again when Mr. Hayward returns.

Adjourn

Motion: by Ms. Charles Lis to adjourn the meeting at 8:45 PM.

Second: by Ms. Francis.

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

*continued from January 6th meeting