

# 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

### CONSERVATION COMMISSION MINUTES FEBRUARY 4, 2021 MEETING 7PM REMOTE MEETING

APPROVED

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 January)**

Staff noted that Mr. Vo’s engineer requested the hearing be continued to the March meeting.

Motion: by Ms. Charles Lis to continue the hearing to the March 4<sup>th</sup> 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 was present as was Olga Lindencko from Liden Corp., Noreen O'Toole from Platinum Partners and Brad Holmes from Environmental Consulting and Restoration, LLC.

Mr. MacKenzie noted the revised plan which was presented at the January meeting. It eliminates the disturbance in the 25 foot buffer zone. They submitted the plans to the Planning Board about a week ago. They also revised the plan to remove invasives at the edge of the 25 foot buffer and provide landscaping and native shrubs in that area.

Mr. Holmes said they will remove invasives such as multiflora rose as well as hazardous trees and supplement with native shrubs to enhance the buffer zone.

Ms. Charles Lis asked what was proposed in the corner where hazard tree removal was noted on the plan. Mr. Holmes said they would add native shrubs there. Ms. Charles Lis requested those be shown on the plan.

Ms. Charles Lis said she understood that there may be additional changes based on the Planning Board review. Mr. MacKenzie said it was advised that the Conservation Commission hearing be kept open in case of design changes.

Ms. Charles Lis asked if there was public comment. There was none.

Motion: by Ms. Charles Lis to continue the hearing to the March 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 # 8-688 19 Sunset Rd. /Liebowitz and Ross**

Chi Man, project engineer with Hardy + Man Design Group was present with Ken Thompson, botanist. Mr. Man said that Mr. Thompson flagged with wetland boundary along Sunset Lake. The proposal is to demolish the existing house and reconstruct a house on the same foundation. In response to the staff report, they added a line of erosion control at the base of the slope as well as the top of the slope. They propose to remove invasive species on the slope and replant with native shrubs. Coconut matting was also added to the plan. Mr. Man said the project is not subject to the stormwater standards but they propose to infiltrate roof runoff in culvert chambers.

Mr. Thompson said the slope is dense with forsythia and some glossy buckthorn. They propose to hand pull the plants and replant with juniper, black huckleberry and black cohosh on the lower part of the slope. Ms. Charles Lis asked about the choice of cohosh. Mr. Thompson said it is being used in meadow plantings. Ms. Charles Lis noted that the draft condition that areas between the planting be seeded. Mr. Thompson agreed.

Ms. Kroha asked if there was an O&M plan. Ms. Charles Lis said it is a draft condition that one be submitted prior to the start of work. It is important the homeowners know about the culvert system.

Ms. Charles Lis asked if there was public comment. There was none.

Motion: by Ms. Charles Lis to issue the Order of Conditions for 8-688 19 Sunset Rd.

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 January)

Attorney Brian Palmucci was present with Chi Man, project engineer from Hardy +Man Design Group, Garret Tunison, wetland scientist from Tunison Environmental Consultants, and George Lang, the owner of the property. Phil Paradis, peer review engineer from BETA Group was present with Laura Krause, peer review wetland scientist from BETA Group.

Mr. Palmucci said they have been working out the issues with the peer review team. They did a total revision of the stormwater plan based on interpretation of the soil conditions as requested by the peer review engineer.

Mr. Man said they characterized the soil and existing conditions based on 2005 plans associated with a DEP enforcement order. They did test pits in the infiltration areas and found 10+ feet of fill of various materials, no A and B horizon, and below and 10 feet the soil was silty so they characterized it as C soil. The soil map calls the site "A" soils. They went back and forth with the peer review engineer on this and agreed to use "A" soils when modeling existing conditions in order to keep the project moving. They will use C soils for calculating recharge volume. Other changes are: they resized the detention basin on the west side of the site; roof drains from Building "B" will be directed to the meadow/compensatory storage area; the retaining wall will be removed from the floodway; and they updated the landscaping and restoration plans.

Ms. Charles Lis thanked Mr. Man. She said she had commented previously that the Stormceptor 450i insert would only get credit for 25% TSS removal based on comments she has seen from MA DEP in the past. She would like that to be reflected in the TSS removal calculation. Mr. Man said they changed to Stormceptor 900 in some areas and in other areas used inline and double up the inserts. Ms. Charles Lis said she was not sure inline use is acceptable.

Mr. Tunison presented a sketch of the restoration and remediation areas to indicate the treatment approach by transect group and hazardous waste consolidation areas. Ms. Charles Lis said she appreciated the simplified construction sequence and sketch plan. She asked that mowing for the meadow areas be included in the O&M plan.

Mr. Paradis said the project has come a long way. There are minor items remaining to be addressed. They highlighted these as potential conditions of approval. He said there is an opportunity to

infiltrate roof runoff even if it doesn't meet the two foot separation to groundwater (since roof runoff is considered clean).

Ms. Krause suggested it be conditioned that work on the restoration and remediation transects limit the amount of disturbance at one time (i.e. work must be completed and the area stabilized before moving on to the next transect or group of 3 transects).

Ms. Charles Lis said it was reasonable to see if the roof drains can be infiltrated.

Ms. Kroha asked where the dumpster spot was located on the new landscape plans. She had asked that it be moved away from the river. Mr. Man pointed it out near Building D.

Ms. Charles Lis asked if there was public comment. There was none.

Motion: by Ms. Charles Lis to continue the hearing to the March 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 Hancock St. & Plain St. /Earth Exchange**

Dan Armstrong from Strong Civil Design was present with Karl Youksetter from Earth Exchange as well as Ron Marshall and Rob St. John from Hollingsworth Pond, LLC (the owner of the site).

Mr. Armstrong said this is the third phase of demolition on the site and consists of demolition of the building over the Armstrong Dam. The main concern is to keep debris out of the river. They propose to use netting under the foundation and pull the walls down into the building. The slab will be removed as part of the dam removal project

Mr. Williams asked if they are using water for dust control and the potential for that to runoff into the river. Mr. Armstrong said they would just mist for dust control and it would not be enough to create runoff.

Ms. Kroha said the project would qualify for a negative Determination under the local bylaw.

Ms. Charles Lis asked if there was public comment. There was none.

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

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 hearing for Hancock St. & Plain St. building demolition.

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**  
(continued from January)

Kristopher Houle with MA Division of Ecological Restoration was present with: 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. (now SLR Consulting) and Brad Chase from MA Division of Marine Fisheries. Other project partners include NOAA, USFWS and the Public Archeology Laboratory, Inc.

Ms. Charles Lis opened the hearings for both projects simultaneously because they pertain to the same site and involve the same consultants.

Ms. Charles Lis noted that the Commission received written comments on the dam removal project from Michael Richardi, Robert Kearns and Armstrong Meadow, LLC. She thanked them for the comments and noted that they would become part of the record.

Mr. Sanford said they provided a written response to staff comments as well as to comments made at the last hearing and amended the plans as needed. The January 29, 2021 comments on the bridge NOI included a restoration plan for the area disturbed by construction of the bridge, clarification on how the impact was calculated and information on how the design accounted for increased precipitation rates associated with climate change.

Mr. Sanford said their January 29, 2021 response for the dam removal/river restoration NOI provided a planting plan for the fish bypass area, included a three-foot planting strip along the west side of the paved trail, added trees for shading the river and quantified the number of live stakes to be planted in the boulder revetment. Their February 3, 2021 response provided a plan which shows all of the wetland flagging as well as plan notes on the Operation and Maintenance Plan for the trail (on the landscaping sheets). They also provided the stormwater checklist and a plan for monitoring for invasive species.

Mr. Sanford continued, on February 4, 2021 they provided a response to Mr. Crispin's written comments which were received on February 3, 2021. The response provided was a copy of the response they provided to MA DEP to similar comments by Mr. Crispin on the 401 Water Quality Certification application. Mr. Greene summarized their response to Mr. Crispin's concerns about the release of contaminated sediment from Hollingsworth Pond. They have added two stone check dams downstream of the dam and they will use weir boards or sand bags in the bays of the Ames Pond dam as additional measures to prevent the accidental release of sediment from the pond.

Mr. Houle said they are taking a belt and suspenders approach to prevent the release of contaminated sediment from the site. They will excavate 100% of the mobile sediment in the pond.

About two-thirds of the sediment will be removed from the site and one-third will be capped on site so that there will be no downstream release of sediment.

Ms. Charles Lis asked if there was public comment. There was none.

Ms. Charles Lis noted that staff had prepared draft conditions for both projects. Ms. Charles Lis suggested adding language to condition #34 of the bridge Order of Conditions to indicate that the prohibition on chemical use was perpetual. She also suggested adding a condition to note that treatment for stormwater runoff from the bridge would be included in the stormwater management plan for the rest of the site when it is redeveloped.

Motion: by Ms. Charles Lis to issue the Order of Conditions for 8-686 Hancock and Plain St. bridge project.

Second: by Mr. Hayward.

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

Ms. Charles Lis addressed the draft conditions for the dam and river restoration project.

Ms. Kroha suggested adding the standard conditions for Ecological Restoration projects to the "Findings" section of the draft conditions. Staff noted that the conditions are on the Ecological Restoration Order of Conditions form.

Ms. Charles Lis suggested amending condition #40 to state that "if invasive species are found that a more detailed invasive species management plan shall be submitted for review and approval by the Commission". Mr. Houle noted that this was required by condition #35. Ms. Charles Lis agreed and noted that changing condition #40 was not necessary. Ms. Charles Lis also suggested making conditions #36, 41, and 42 perpetual. She also noted that condition #37 requiring adherence to the 401 Water Quality Certification permit covered the work to remove and manage contaminated sediment in the pond.

Motion: by Ms. Charles Lis to issue the Ecological Restoration Order of Conditions for 8-685 Hancock and Plain St. dam removal and river restoration project.

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 close the public hearings for both 8-685 and 8-686.

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 75 Harness Lane & Jensen Farm Rd. /Allman**  
(continued from January)

Ken Allman, applicant, was present as well as Garrett Horsfall, project engineer from Kelly Engineering Group. 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 responded to comments that were made at the January hearing. He said they revisited the alternative to access the site from the common driveway on Harness Lane but they would need a variance from the Zoning Board and do not have a hardship. He added that one of the owners of the common driveway had said at the January hearing that he would not grant rights in the driveway.

Mr. Horsfall presented the changes to the plan that were made since the last meeting. They revised the plan to limit grading, they revised the driveway design to limit disturbance by incorporating a retaining wall and they discussed the wetland replication location with their wetland scientist, John Rockwood. They propose to keep the replication area in the same location but can work around the existing trees. Mr. Horsfall added that MA DEP did not have any comments in their file number letter.

Ms. Charles Lis thanked Mr. Horsfall for the response. She also noted that written comments had been received from Elise Hong and Qi Li Tan.

Ms. Charles Lis said the Commission has to consider whether the impacts can be avoided. She said they should file for a variance to get the answer as to whether a variance would be granted. She also said they should determine whether they can get agreement from the owners of the common driveway; a comment made at a meeting is different from a formal response. She said the project was not approvable without answers to those questions. She added that she wanted to let them know now that if the alternative access turns out to be infeasible, they should look at a precast structure on footings to minimize or eliminate the need to fill the wetland to cross it.

Ms. Kroha said she agreed with the Chair.

Mr. Hayward also agrees with the Chair. He said he visited the site and a precast structure would be beneficial to avoid filling the wetland.

Ms. Charles Lis asked if there was public comment. There was none.

Mr. Horsfall said one of the owners of the common driveway had stated at the last hearing that he would not grant an easement for another house to use the driveway. He asked if the Commission is looking for that in writing. Ms. Charles Lis said yes.

Peter Brown of 85 Harness Lane said he was the person who had made the comment at the last meeting and that he would formally object to extending the easement. Ms. Charles Lis thanked Mr. Brown and said that her comment stands. This should be provided in writing.

Mr. Allman said it is an existing lot they have been paying taxes on it. He doesn't understand how the Commission could prevent this. Ms. Kroha said it is subject to an ANR process because they are moving lot lines. Mr. Allman said it was part of the subdivision. Staff said they are taking an unbuildable lot on Jensen Farm Rd. and combining it with part of the lot of 75 Harness Lane, thus they are creating a new lot.

Mr. Allman said even if the abutters agree to the common driveway he was told in the past that he could not get a variance. He asked if it could just be conditioned that a bridge be required to cross the wetland. Ms. Charles Lis said that variance would have to be fully explored and if a bridge is necessary it would have to be designed and shown on the plans.

Motion: by Ms. Charles Lis to continue the hearing for 75 Harness Lane and Jensen Farm Rd. to the March 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 #8-690 175 and 185 Campanelli Drive/ AG-EIP Campanelli LLC**

Garrett Horsfall, project engineer from Kelly Engineering Group, was present with John Hennessey from AG-EIP Campanelli, LLC.

Mr. Horsfall said the 24-acre site has a 430,000 square foot building on it and includes Bordering Land Subject to Flooding, Bordering Vegetated Wetland and Riverfront Area. The site was subject of two recent Orders of Conditions. One Order for the Fireking Bakery site work included the creation of compensatory flood storage area. They are waiting for that to be fully stabilized before filing for the Certificate of Compliance. The other Order was for the mail-order business which never did their project. The design was done by a different engineering firm. The two water-quality devices which were proposed as part of that project were installed.

Mr. Horsfall presented the current proposal. They propose to construct a boulevard truck lane to the back of the site, mill and overlay sections of pavement, remove 42,600 sq. ft. of pavement (2800 sq. ft. of which is in the 25 foot buffer zone), creation of 16 loading docks with a stormwater pump, expansion of the existing bioretention area, and addition of deep sump catch basins to the existing stormwater discharge. Mr. Horsfall said they received the DEP file number letter and there were no comments.

Mr. Hayward said he appreciates the reduction in impervious area and he looks forward to seeing the comments in the staff report addressed.

Ms. Charles Lis said she would like to see the open Orders of Conditions addressed. She is not sure it is permissible to have more than one open Order on a site. She said they should provide stormwater runoff calculations. Even though they are reducing impervious area, they are changing the subwatersheds. Also TSS removal calculations should be provided and she would like to see shrubs in the 25 foot buffer zone.



Mr. Horsfall said they will address the staff and Commission comments.

Ms. Charles Lis asked if there was public comment. There was none.

Motion: by Ms. Charles Lis to continue the hearing for 175 and 185 Campanelli Drive to the March 4th meeting.

Second: by Mr. Hayward.

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

## **OTHER BUSINESS**

### **Watson Park Educational Plan Proposal**

Susan Israel of Climate Creatives was present. Ms. Israel presented the latest version of the preferred “ribbon” option which resembles waves. Mr. Williams asked if it would be made of stainless steel. Ms. Israel said it would. Ms. Kroha asked about the possibility of etching numbers. Ms. Israel will send a version of that. There was a discussion about potentially lighting the sculpture but that may not be feasible in this environment.

### **Update on 169 Walnut St. Enforcement Order**

Staff received an email from Alex Garneau at the Army Corps of Engineers. Mr. Garneau said the Corps believes that the culvert outlet was not properly constructed as shown on the Record Drawings, and that DCR should take steps to restore the outfall to the original design as shown on the Record Drawings.

### **Update on 1209 Washington St. Enforcement Order**

Staff said the owners of the business at the site would like to discuss Enforcement Order with the Commission. She will schedule it for the March 4<sup>th</sup> agenda.

### **Other**

Staff said she issued an Enforcement Order to the owners of 220- 220 Forbes Rd. A blocked culvert on their property is diverting streamflow into the parking lot and flooding an electrical transformer.

**Motion:** by Ms. Charles Lis to ratify the Enforcement Order for 220 Forbes Rd. /STJ Forbes Equity Partners.

**Second:** Mr. Hayward.

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

### **Approval of Minutes – January 7, 2021**

**Motion:** by Ms. Charles Lis to approved the January 7th minutes.

**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 10:30 PM.

**Second:** by Mr. Hayward.

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