



Mayor
Charles C. Kokoros

Department of Planning and Community Development

Melissa M. SantucciRozzi, Director
1 JFK Memorial Drive
Braintree, Massachusetts 02184
msantucci@braintreema.gov
Phone: 781-794-8234

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 MARCH 3, 2022 MEETING (7PM) REMOTE MEETING VIA ZOOM

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

*joined at point indicated

** left at point indicated

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

Request for Determination of Applicability Grove St. Right of Way (near 625 Grove St.)/Boston Gas Company

Christine Pacella from Tighe and Bond was present on behalf of the applicant. She said the project is a new gas main from the Grove St. intersection with Columbian St. to the frontage of 625 Grove St. She said the work area is within previously disturbed roadway and shoulder and lawn area within the 100 foot buffer zone to Bordering Vegetated Wetlands.

Ms. Charles Lis noted Ms. Phelan's memo recommending issuance of a negative Determination of Applicability with a condition to restore the area to existing condition upon completion.

Ms. Charles Lis asked they were proposed erosion control. Ms. Pacella said it would be up to the contractor to provide it if needed. Ms. Charles Lis suggested adding a condition that should erosion control be necessary that hay or straw not be used. Mr. Williams suggested adding a condition that downgradient catch basins be protected.

Ms. Charles Lis asked for public comment. Mike Richardi said there is a stream crossing nearby and there may be a chance to improve conditions there. Ms. Pacella pointed it out on the aerial photo and it was determined to be too far from the project locus.

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

Second: by Mr. Williams.

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

Motion: by Ms. Charles Lis to close the public hearing for Grove St. Right Of Way.

Second: by Mr. Williams.

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

Request for Determination of Applicability Venus Rd. and Audubon Rd./MWRA

Mike Cunningham from Kleinfelder was present with Milan Horbaczewski and Becky Wideman, both from MWRA. Mr. Cunningham said the project is maintenance of the sewer siphon and junction structure located along the Weymouth Fore River. They propose to line the interior, secure the top with new flood proof hatches to improve access and to exterior patching. To access the structure, they will use the NSTAR access road and the Town sewer easement. They will begin this summer and it should take approximately 2-4 weeks. Mr. Cunningham said they reached out to Ms. Phelan in September to request the work be considered exempt and she advised them to submit an RDA for the work.

Ms. Charles Lis noted Ms. Phelan's memo and asked if she was satisfied with the documentation provided regarding the MWRA's exemption from the local bylaw. Ms. Phelan said she was.

Mr. Williams asked if the work was in the flood zone and would they require the contractor to protect the work site from flooding. Mr. Cunningham said it is a raised structure and the work is to reinforce it from tidal activities. There are existing gaps in the top now and this will restore it to a floodproof condition. They will include provisions for the contractor to fortify the work area if there are severe tides and not leave it vulnerable between work shifts. MWRA will also have a full-time engineer on site. Mr. Williams suggested adding a condition to protect from storm surge. Ms. Charles Lis suggested adding a condition that work be may not be conducted at high tide or when the site is inundated. Ms. Charles Lis suggested another condition material may not be stored in a resource area and that woody plants may not be removed. Mr. Cunningham said the intent is not to remove any vegetation. The final determination on staging area will be made by the resident engineer.

Mr. Williams asked how high above Mean High Water the top of structure is located. Mr. Cunningham said he would have to get back to him on that.

Mr. Pham said he did not see erosion control on the plans. Mr. Cunningham said they are not proposing any because the work is downgradient of the resource area and they are not disturbing the ground. Also, erosion control could be washed out by high tide.

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

Second: by Mr. Williams.

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

Motion: by Ms. Charles Lis to close the public hearing for Venus Rd. and Audubon Rd.

Second: by Mr. Williams.

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

* Ms. Francis joined.

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

Jim DeVellis, civil engineer, from DeVellis Zrein, Inc. was present with Tom Shutz from Goddard Consulting. Mr. Shutz summarized the information provided since the February meeting. As requested at the February meeting, they manually delineated the drainage area to the stream in question and determined that it has an area of .139 square miles which would make the stream intermittent. A drainage area of .5 square miles or greater is required to determine that a stream is perennial.

Ms. Phelan said it was helpful to see this delineation. She checked the previous ANRAD for this site. The consultant had presented the stream as perennial but there was no discussion or documentation for the reason for that.

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

Motion: by Ms. Charles Lis to issue an Order of Resource Area Delineation for 360 Wood Rd. approving the delineation as shown on the plan.

Second: by Ms. Francis.

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

Motion: by Ms. Charles Lis to close the public hearing for 360 Wood Rd. ANRAD.

Second: by Ms. Francis.

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

Request for Determination of Applicability 360 Wood Rd./HRP Wood Road, LLC

Jim DeVellis, civil engineer, from DeVellis Zrein, Inc. was present on behalf of HRP Wood Road, LLC. Mr. DeVellis said filed in 2002 for work on the building which was completed. They now have another tenant who would like to occupy the building but they require a loading dock. He presented the site plans showing a proposed loading dock in the south west corner of the building. They also propose to install a CDS 2015-4 to provide water quality treatment for an existing discharge. At Ms. Phelan's suggestion, they have also proposed 168 native shrubs to be planted between the parking lot and the stream. Mr. DeVellis said they provided calculations for TSS removal and did riverfront analysis but that is now moot in light of the ORAD this evening.

Mr. Pham asked about the catchment area for the CDS unit and if it could be offline. Mr. DeVellis said it is only the area of pavement in the immediate vicinity of the unit. The roof runoff goes off of the back. Ms. Charles thanked him for not proposing a 450i insert and for adding the plantings. Mr. Pham said the unit should be offline. Mr. DeVellis said he could put a catch basin with a sump after the trench drain instead of a drain manhole. Ms. Charles Lis suggested this as a condition and requested that the O&M Plan be updated with this infrastructure.

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

Motion: by Ms. Charles Lis to issue a negative Determination of Applicability with conditions 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 for 360 Wood Rd.

Second: by Ms. Francis.

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

Abbreviated Notice of Resource Area Delineation DEP File #8-702 Off of Columbian St. and Grove St./Banner Park, LLC*

Kelly Killeen from CHA Consulting was present with Aland MacDonald from Banner Park, LLC. The Town's peer review consultant, Mark Manganello, was also present. Mr. Killeen said they accepted the revisions proposed to the wetland delineation by the peer reviewer and updated the plans accordingly. They agree with the comment that further delineation of channel 1 will be done at a later date if work is proposed in that area. Also, as recommended by the peer reviewer, the cover sheet of the plans has been updated. The wetland area which needed further delineation was removed from the ANRAD and grayed out accordingly on the cover sheet. They are not looking for confirmation of this area at this time.

Mr. Manganello said he completed his review back in January when there were favorable conditions. CHA Consulting located the suggested revisions. He said the CHA flags which were superseded by LEC flags should be removed prior to any development of the site.

Ms. Charles Lis said the peer review report was helpful. She noted that DEP requires the Order of Resource Area Delineation (ORAD) form to be filled in as "modified" for a delineation which changes after the initial submission. She also added Isolated Vegetated Wetland on the form even though it is jurisdictional only under the local bylaw. She noted that the ORAD does not approve all boundaries, only the flags shown on the March 1, 2022 plans. She said the bank associated with the channel would be checked as "inaccurate" as further delineation is required in this area.

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

Motion: by Ms. Charles Lis to issue the Order of Resource Area Delineation as drafted.

Second: by Ms. Francis.

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

Motion: by Ms. Charles Lis to close the public hearing for the ANRAD for Off of Columbian St. and Grove St.

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 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.

Ms. Charles Lis noted that there had been a site visit and a second response letter from the applicant since the last meeting and asked for a summary of the responses from the letter.

The applicant team summarized the response from the letter. Mr. Muench said they adjusted the TSS removal calcs for the 450i inserts to 25% as requested at the last meeting. They still meet 80% TSS removal for the site as a whole (with the weighted average). Mr. Touchet said the Stormwater Handbook recommends that woody vegetation not be planted in infiltration basins so they are staying with herbaceous vegetation for Basin 1. Basin 2 has a different seed mix (a wetland mix) and will be planted with bulrush plugs. Basin 3 has a geomembrane liner.

Mr. Touchet continued. They revised the O&M Plan to prohibit salt, herbicide and pesticide and added a cover page to make it a stand-alone document. They add a specification to require a perc test prior to seeding Basin 1. They believe the mussel assessment covered other habitat in Land Under Water. They revised the sewer main location to be below the storm drain. Perimeter lawn areas will be seeded with wildlife seed mix instead of turf seed. They also added a detail for compost filter tube to the plans and a BMP exhibit to the O&M Plan.

Ms. Charles Lis noted that Ms. Phelan prepared a draft Order of Conditions but that the Commission can not yet vote on it since the permit from the Natural Heritage and Endangered Species Program has not yet been received.

Mr. Williams said the perc test that was mentioned should be a "DEP approved infiltration test". Mr. Muench said they will update the phrasing.

Ms. Charles Lis thanked the team for adjusting the TSS credit on the 450i insert. She said she was pleased with the additional area of seed mix and appreciated the references to the Stormwater Handbook. She suggested a shrub such as buttonbush could be planted in the pocket wetland. She also asked if members were able to attend the site visit and if observations were made about wildlife habitat in Bordering Land Subject to Flooding. Mr. Williams said that he had attended but there was snow cover. Ms. Phelan said the areas of Bordering Land Subject which will be disturbed are already altered.

Ms. Charles Lis suggested the applicant continue to coordinate as they go through the Planning Board process

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

Motion: by Ms. Charles Lis to continue the hearing to the April 7th meeting.

Second: by Mr. Williams. *Note: Ms. Francis was experiencing technical difficulties and was not able to vote.*

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

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

Chris Trudel from the Town's Public Works Department, Engineering Division were present. Jess Wala from Nitsch Engineering was also present. Mr. Trudel said they revised the runoff curve number since the last meeting and the project now attenuates the 2, 10, 25 and 100-year storm. They reduced the size of the basin and were able to remove the overflow control structure and will be adding vegetation.

Ms. Charles Lis noted the updated staff memo. Mr. Trudel said the water quality structure was for the portion of the cemetery that was previously developed. They are working through the selection of that unit and wonder if it could be treated as outside the scope of this project.

Mr. Williams asked about the width of the level spreader. Mr. Trudel said the level spreader would be just below the berm break. Mr. Williams said it should be narrower or would be redundant. Mr. Trudel said they are hoping to use it to spread out water to the new plantings. He said they would reuse boulders from on-site to construct it. Mr. Williams said it should be constructed out of rip rap. Mr. Trudel said they will look at this.

Ms. Charles Lis said the number of trees to be removed and the landscape plan would be important to document compliance with the tree protection standards. Mr. Trudel said they put black boxes on the landscape plan to denote trees to be removed. He said they counted 15 to be removed and more than 30 to be replanted.

Ms. Charles Lis asked if the drainage area had changed as was raised in the staff memo. Mr. Trudel said their initial submission included an extra node. They deleted this duplicate node in the revised submission. The drainage area is 68,000 square feet.

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

Motion: by Ms. Charles Lis to continue the hearing to the April 7th meeting.

Second: by Mr. Williams. *Note: Ms. Francis was experiencing technical difficulties and was not able to vote.*

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

**Notice of Intent DEP File # 8-707 Smith Beach (Vinedale Rd./Edgehill Rd./Beechwood Rd.)/Braintree
Department of Public Works**

Chris Trudel from the Town's Public Works Department, Engineering Division were present. Jenn Johnson from Nitsch Engineering was also present as was Claire Hoogeboon from LEC . Mr. Trudel said the Town had received a 604b grant to develop assess site for green infrastructure retrofits. They identified 20 sites and advanced 7 of these to the conceptual design stage. The Smith Beach project received a Municipal Vulnerability Preparedness grant to complete final design. Nitsch Engineering is the consultant on the project and LEC did the wetland delineation.

Ms. Hoogeboon said that the site includes Riverfront Area (of the Fore River), Land Subject to Coastal Storm Flowage (Velocity Zone and AE Zone on the flood map) and is within the 100-foot buffer zone to Coastal Bank (the boulder seawall). She said that resource areas off-site, but in the vicinity, include: Coastal Beach, Salt Marsh, Land Under the Ocean, Land Containing Shellfish and Fish Run.

Ms. Johnson said the project proposes to install porous asphalt in the Smith Beach parking lot and to provide treatment for runoff from Beechwood Ave. by directing it to an isolator row and infiltration system. Ms. Charles Lis said she was pleased to see the project and asked that they provide a written response to the staff memo as well as address the riverfront redevelopment standards, provide information on how they meet the stormwater standards for critical areas, and use salt tolerant species in the planting plan. She also asked if porous pavement is suitable in a salt water area. Ms. Johnson noted that the planting plan had been provided.

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

Motion: by Ms. Charles Lis to continue the hearing to the April 7th meeting.

Second: by Mr. Williams. *Note: Ms. Francis was experiencing technical difficulties and was not able to vote.*

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

Notice of Intent DEP File # 8-708 357-365 Grove St./Liberty Grove LLC

George Clements of Liberty Grove, LLC was present with Garrett Tunison from Tunison Environmental Consultants and Shawn Hardy, Hardy + Man Design Group. Mr. Tunison said the project has been in the work for four years. Originally 96 housing units were proposed but they have worked with the Town to change the proposal to a retail use. There is an existing but unoccupied gas station building that will be demolished. A forested area with a lot of invasive species is located behind the gas station.

Mr. Tunison said the project includes 198 square feet of wetland filling and 408 square feet of wetland replication. He said they came before the Commission in the past to discuss the possibility of a retail use and the Commission felt the project could be built. They also propose to restore 5000 square feet of buffer zone with numerous plantings.

Ms. Charles Lis said there was not staff memo on this project but that there was a peer review planned. Ms. Phelan said the Department initiated a peer review on behalf of the Planning Board and Conservation Commission and it

includes review of the wetland delineation since the previously issued Order of Resource Area Delineation has expired.

Ms. Charles Lis asked if the site was accessible in case members want to visit. Mr. Clements said it is.

Mr. Pham asked if there were any contamination issues with the site given its past use as a gas station; he asked if there was an AUL. Mr. Clements said that Sunoco removed the tanks and cleaned the site up. He said there was not an AUL.

Mr. Parker asked about the tree removal and plans to replace trees. Mr. Tunison said that some of the trees are in the footprint of the project but they also propose removing invasive species and replacing with native trees in the buffer zone. Ms. Charles Lis asked for the tree removal to be shown on the layout plan.

Ms. Charles Lis addressed Mr. Tunison's earlier comment that the Commission had weighed in on the wetland alteration in the past. She said she didn't go back to the minutes but believes it may have been in 2018. She knows that other things have been considered for the site and that this proposal has less impact than what was previously proposed. She said that she would like to see alternatives for this use such as reconfiguring parking, zoning setback relief, moving the building, etc. She said that was really critical for the Commission to consider before potentially approving any wetland filling.

Ms. Charles Lis listed other issues she would like to see addressed. Based on past comments from DEP, the 450i inserts for stormwater management should not be credited with more than 25% TSS removal. The stormwater standards should be explicitly addressed. Has Low Impact Development been considered? The landscape plan should be provided.

Mr. Hardy said the site has a long history. The retail plan was presented to the Town Council for a zoning change with the current layout. A significant area was given to the Town for open space and preservation and the project has already shrunk down. Ms. Charles Lis said it is important to document what has been considered if the Commission is being asked to consider allowing wetland filling. Mr. Clements said they worked with the Planning Department and the Mayor to preserve the old house and the land. He said the drive-through is paramount to CVS and they have spent a lot of time designing the project. The previous plan was 96 housing units and it was the Town's desire to have a retail project instead of that. Ms. Charles Lis said documentation should be provided, such as getting written confirmation from CVS that the project is not feasible without a drive-through.

Mr. Pham asked about the stream channel shown on the plans and why the buffer zone restoration did not extend along the stream. Mr. Tunison said that is a different project site. Mr. Pham asked about replacing the crushed pipe conveying the stream with a reinforced concrete pipe. Mr. Hardy said that land was conveyed to the Town through negotiation and is now Town property. He said replacement could possibly be negotiated as part of the approval.

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

Motion: by Ms. Charles Lis to continue the hearing to the April 7th meeting.

Second: by Ms. Francis.

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

Notice of Intent DEP File # pending 28 Brookside Rd./Podium Capital

Jonathan Polloni, attorney for the applicant was present. He said the site is entirely within the Riverfront Area. They propose to remove the existing shed and garage and replace with a new garage. They also propose 926 square feet of mitigation planting area on the lot.

Ms. Charles Lis noted the staff memo and said she agrees with Ms. Phelan's suggestions. She said the Commission needs better information on the resource areas. She understands there may not be access to the brook but it should be indicated on the plan and inner and outer riparian zone added. She said the form was missing information on impacts and the fee is not correct. She also requested they address the performance standards. She is happy to hear that plantings are proposed and information on the pool should be provided.

Mr. Williams asked if the plan was stamped by a Professional Engineer. Ms. Charles Lis said it was stamped by a Professional Land Surveyor and if stormwater management is added it should be stamped by an engineer. Ms. Phelan said the Commission has typically not required stormwater management for residential projects, other than to direct roof runoff to vegetated areas rather than pavement. Mr. Pham said redevelopment should provide stormwater management to maximum extent practicable and use drywells.

Ms. Charles Lis asked for public comment. Mike Richardi suggested the applicant talk to Pond Meadow Park about access to Smelt Brook as it is part of their flood control project.

Motion: by Ms. Charles Lis to continue the hearing to the April 7th meeting.

Second: by Ms. Francis.

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

**** Mr. Parker left**

OTHER BUSINESS

Request for Certificate of Compliance 8-689 19 Avon Place/McGee

Ms. Charles Lis noted the staff memo recommending issuance of the Certificate of Compliance with surviving conditions and release of the as-built guarantee.

Motion: by Ms. Charles Lis to issue the Certificate of Compliance for 8-689 with surviving conditions as noted and release of the as-built guarantee.

Second: by Ms. Francis.

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

Hayward Creek 1135 Grant

Ms. Phelan said that, with the blessing of the Commission back in 2019, Mike Richardi had reached out to the Army Corps of Engineers regarding the Hayward Creek flood control project. The Corps administers the 1135 program to improve the ecological function of their projects. The Corps responded and will be setting up a site visit. Mr. Richardi would like to confirm that he may continue as the Commission's point of contact for the Army Corps on this. Ms. Phelan supports Mr. Richardi's efforts and suggests he continue and that she also be in the loop on this project as it involves conservation land (Eaton's Pond Area).

Mr. Richardi said he has been involved in the same process with Smelt Brook. He said that after the Corps visit their team will determine if there is federal interest.

Motion by Ms. Charles Lis to confirm that Mike Richardi is still the Commission's point of contact on the Hayward Creek 1135 process with the Commission's support.

Discussion – Resume In-Person Meetings

Ms. Charles Lis noted that the provision for remote meetings has been extended to July. Ms. Phelan said that, at this point, it is up to the Commission whether they would like to resume in-person meetings or continue with remote meetings.

Mr. Williams said he may be able to participate if remote meetings continue, otherwise he will not be able to as he is traveling for several months beginning in May.

Mr. Pham said he prefers the remote meeting format as it is easier to zoom in on the plans on his screen.

Ms. Francis said she doesn't have a strong feeling either way but noted that she had technical difficulties this evening.

Ms. Charles Lis suggested the Commission meet remotely in April.

Approval of Minutes February 3, 2022

Ms. Charles Lis requested that the discussion on page 2 regarding the 450i insert be changed to better reflect her comment that only 25% TSS removal should be credited for the 450i insert.

Motion: by Ms. Charles Lis to approve the February 3, 2022 minutes as amended.

Second: by Ms. Francis.

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

Other

Adjourn

Motion: by Ms. Charles Lis to adjourn the meeting at 10:10 PM.

Second: by Ms. Francis.

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

*continued from February 3rd meeting