



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 APRIL 7, 2022 MEETING (7PM) REMOTE MEETING VIA ZOOM

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

Absent: none

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 30 Jensen Farm Rd./Patel

Paresh and Mital Patel were present. Ms. Patel said they would like to remove six trees, five are on the side of the house and one is on the edge of the wetland. They would also like to add a wire fence for safety and a retaining wall.

Ms. Charles Lis asked the Patels if they had seen Ms. Phelan's memo. They said they had. Ms. Charles Lis asked if they were willing to revise their proposal in accordance with Ms. Phelan's recommendations. Ms. Patel said they were. She said they could possibly just prune the limbs from the large tree that reach toward the house. She also said they do not propose to grade at this time, they just want to install a retaining wall. Mr. Hayward said he would also like to see the proposed fence redesigned so as not to encroach in the 25-foot buffer zone beyond the markers. He also suggested they have an arborist look at the large tree. Ms. Charles Lis suggested continuing the hearing to the next meeting so that the Patels can revise their plan.

Motion: by Ms. Charles Lis to continue the hearing to the May 5th meeting.

Second: by Ms. Francis.

Vote: In favor: 6, Opposed: 0, Abstained: 0.

Notice of Intent DEP File#8-704 300 King Hill Rd./Tri-Town Water District*

Tom Touchet, wetland scientist from AECOM was present. 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.

Mr. Touchet said they met with the Planning Board recently and learned that for new buildings constructed on fill, the fill has to extend at least five feet beyond the building before dropping to base flood elevation. They revised the grading at the raw water pump station to accommodate this requirement and added the creation of additional compensatory flood storage at the water pipeline location. They will create a surplus of 205 cubic feet of flood storage.

Ms. Phelan said that she had asked the consultant to update the Commission on the change since it impacts Bordering Land Subject to Flooding. She noted that the Conservation and Management Permit from Natural Heritage and Endangered Species Program had not yet been received. The Commission may not issue the Order of Conditions until that permit is received. She said that draft conditions were ready to go once the permit is issued. Ms. Price said they expect the permit by the end of the month. She asked if the hearing could be closed. Ms. Charles Lis explained that the Commission keeps the hearing open until the decision is issued. This allows for plan revisions, if needed, as well as discussion on conditions.

Motion: by Ms. Charles Lis to continue the hearing to the May 5th meeting.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

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

Chris Trudel and Jim Arsenault from the Braintree Public Works Department were present. Jess Wala from Nitsch Engineering was also present.

Mr. Trudel said they clarified the buffer zones on the plans, provided a landscaping plan with native species and conservation seed mix, updated the O&M Plan, addressed the tree protection standards, provided the test pit log and drainage area as discussed at the last meeting. He said they also looked at the level spreader and determined that the best practice is to provide 13 linear feet for every 1 cubic foot per second of flow. They kept the 45 foot level spreader based on this.

Ms. Phelan asked if they are constructing the project in-house or hiring a contractor. Mr. Trudel said they would probably do the rough grading themselves but hire a contract for the rest.

Mr. Williams said that his question last month about the level spreader was about the width of the berm opening. Mr. Trudel said the opening would be back pitched to allow water to accumulate and spread out across the width of the spreader. Mr. Pham said a cross section would be helpful. Mr. Williams agreed and suggested that a detail of the design be a pre-work condition. Ms. Charles Lis suggested adding it after condition number 22.

Ms. Charles Lis said she was happy with the planting plan. Mr. Pham asked if there was an access path to maintain the bioretention area. Mr. Trudel said they left an opening in the planting plan for access.

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

Ms. Phelan noted the draft conditions include a condition that the stormwater system needs to be fully constructed and planted prior to the use of the site for burials. She also left the standard condition for an as-built guarantee in place. Mr. Arsenault said they are willing to provide the as-built guarantee.

Motion: by Ms. Charles Lis to issue the Order of Conditions for 8-706 as amended.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

Motion: by Ms. Charles Lis to close the hearing for 8-706.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

**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. Jess Wala from Nitsch Engineering was also present. Mr. Trudel said they provided a plan to clarify the design for the parking lot. The area drains in the vegetated strip will drain to the isolator row and subsurface infiltration system. The permeable parking lot will drain into the porous pavement. Ms. Wala said that up to the 10 year storm will fully infiltrate so more than the 1" water quality volume will be infiltrated.

Mr. Trudel summarized the other changes that were made. They added a note with the datum, addressed Standard 6 of the Stormwater Standards, updated the recordkeeping log, clarified the curb break and addressed the Riverfront Redevelopment Standards. Ms. Wala said they also provided information from UNH Stormwater Center on salt use. The Stormwater Center's tests have found that porous pavement reduces the freeze/thaw cycle and thus less leicing salt is needed. Mr. Trudel said they can monitor how much salt use is required. Ms. Phelan said she thought the question about salt which was asked at the previous meeting was in regard to the coastal environment and associated flooding with salt water. Mr. Trudel said the pavement can handle that environment. Mr. Williams asked if the parking lot is used in the winter. Mr. Trudel said it is parking during storm events when there is a restriction against on-street parking.

Ms. Charles Lis suggested adding a condition for the limitation on herbicide, fungicide and pesticide. Ms. Phelan said it was in the O&M Plan. Ms. Charles Lis suggested adding it anyway. Ms. Phelan suggested a condition that the landscape plan should be revised prior to the start of work to eliminate cultivars.

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

Motion: by Ms. Charles Lis to issue the Order of Conditions for 8-707 as amended

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

Motion: by Ms. Charles Lis to close the hearing for 8-707.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

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

Michael Modestino, attorney for the applicant, was present with George Clements of Liberty Grove, LLC was present with Garrett Tunison from Tunison Environmental Consultants and Shawn Hardy and Chi Man from Hardy

+ Man Design Group. Attorney Modestino said they received the peer review report from Deb Keller of Merrill Engineering. He said his client has reviewed the report and can accept it. They also received an additional report from Brad Holmes, wetland scientist and will move 3 feet away from the wetlands. He said the project has less impact than the 40B proposal with which they were previously moving forward.

Mr. Tunison recapped that there were no issues with the peer review and they will address the peer review concerns. He accepts Mr. Holmes revisions to the delineation as the wetland has crept a bit since it was originally flagged. Mr. Man said the additional impacts to the wetland will be 25 square feet.

Ms. Charles Lis said the peer review was helpful and the Commission will wait to see the revised plans. She said asked to see alternatives to the proposed design as it would be helpful to see alternatives for this application. Mr. Man said they can provide an alternatives analysis. Mr. Hardy shared an image of the previous lot area and noted that 78,000 square feet of the lot was sold to the Town for open space. Mr. Tunison said there was an alternative analysis in Section 4 of the Notice of Intent. Ms. Charles Lis reiterated that she was looking for alternative layouts with this proposed use. Mr. Clements said they can provide that for the next meeting.

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

Motion: by Ms. Charles Lis to continue the hearing to the May 5th meeting.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

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

Jonathan Polloni, attorney for the applicant was present. He said the site is in the Riverfront Area of Smelt Brook and there is degraded area. They propose to add a deck and an at-grade pool as well as replacing the existing garage. They will also add drainage in the driveway and infiltration behind the proposed garage.

Mr. Pham asked Ms. Phelan if this was the property he had called her about. Ms. Phelan said that it was. She had advised the applicant that he could work on the existing structure if there was no site work or excavation. When she visited the site, she saw that he had excavated to replace a section of foundation. This should not have been done without Commission approval. Mr. Polloni said his client believed this was in the permissible area.

Attorney Polloni said Mike Ball, wetland scientist, prepared a planting plan. He was not able to provide earlier than today. It calls for planting an approximately 300 square foot area. He said that given the impervious area calculations it seems that a larger mitigation area is needed. He said his client would be willing to clean up the litter on the property that runs to the fence around Smelt Brook and maintain the grass. He said this area is not owned by his client. He believes this would qualify as off-site mitigation and compensate for additional impervious surfaces.

Ms. Phelan said she calculated that about 700 square feet of restoration is needed under the Riverfront Redevelopment standards. She said mowing an existing lawn area would not qualify as restoration; it should be planted with native species.

Mr. Pham asked about the stormwater proposal and how the property was being graded, specifically how the driveway would be pitched. Attorney Polloni said the driveway grade is very gradual. The infiltration in the back is for the garage roof. Mr. Pham said the plan set does not provide enough information and the pool is not on the plan.

Attorney Polloni said they will update the site plan to show what is on the lot coverage plan. Mr. Pham said his concern is that if the driveway is not graded toward the proposed drywell the water will not be captured and treated.

He said the stormwater report shows little detail and is not stamped. Ms. Phelan noted that single-family homes are exempt from the stormwater standards and that, in her opinion, the Hydrocad calculations were not necessary for this project.

Attorney Polloni said they will have the existing conditions plan updated and stamped. He requested the hearing be closed. Ms. Charles Lis said the Commission keeps the hearing open until any issues are largely resolved and they have a draft Order of Conditions prepared for vote. She said the Commission wouldn't be able to vote this tonight but can give feedback on the remaining items. She said that off-site work cannot be authorized without the permission of the property owner. Also, they would have to do more than mow lawn; it would have to include plantings. The proposed restoration area could be increased to the right rather than going off the property. Attorney Polloni said they would double the restoration area, show everything on the plans and make sure they are stamped.

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

Motion: by Ms. Charles Lis to continue the hearing to the May 5th meeting.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

Request to Amend Order of Conditions 8-697 4 and 44 Allen St./Arch Communities, LLC

Attorney Frank Marinelli was present representing the applicant. Also present was Rich Relich from Arch Communities LLC and Jesse Johnson, project engineer from Weston and Sampson. Mark Klopfler and Jennifer Ng, landscape architects for the project were also present.

Attorney Marinelli said the project is a redevelopment of a complex site. The team has been working diligently to obtain approvals and now needs to modify the plans to qualify for Department of Housing and Community Development funding. The project will still consist of 56 units but rather than trying to retrofit the old switch house the project will demolish the building and construct a new building. The modified plans have been peer reviewed by Merrill Engineering.

Mr. Johnson said the plan includes a reduction in impervious area of approximately 5000 square feet. They kept the stormwater system the same and added an outdoor hardscape space. The footprint is no closer to the resource areas. He said he received comments from the peer review engineer and revised the plans to address the comments. They also edited the O&M Plan to add the maintenance documentation from CDS.

Mr. Klopfer said they moved the access path from Allen St. over and that the planting did not change.

Ms. Charles Lis asked if the outdoor hardscape area could incorporate porous pavement. Mr. Johnson said it would require an underdrain and there is a retaining wall supporting the area.

Ms. Charles Lis noted that Deb Keller, the peer review engineer from Merrill Engineering was on the call. Ms. Charles Lis asked Ms. Keller if other communities she works with require local review of the Stormwater Pollution Prevention Plan (SWPPP). Ms. Keller said it varies. The SWPPP is filed with the EPA. Some towns like to see it to ensure that it is all thought out. It is an option for the Town. Mr. Johnson said it is a condition of the Planning Board permit.

Motion: by Ms. Charles Lis to issue the Amended Order of Conditions for 8-697 as drafted.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

Motion: by Ms. Charles Lis to close the hearing for 8-697.

Second: by Ms. Francis.

Vote: In favor: 5 (Charles Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

OTHER BUSINESS

Watson Park Coastal Resilience Project Update

Ms. Phelan noted that several items for update and discussion. The first was the field directive made by Woods Hole Group as part of their construction oversight. They directed that some of the marsh sediment from the footprint of the stone sill be placed in a fissure within the salt marsh. The intent was to shore up this section of marsh and plant spartina plugs in it when the restoration area is planted to prevent it from slumping behind the restoration area.

Motion: by Ms. Charles Lis to approve the placement of native sediment in the salt marsh fissure as a minor modification to the Watson Park Shoreline Restoration project.

Second: by Mr. Hayward.

Vote: 6:0:0.

The next item is to stabilize an area of erosion to the west (upstream end) of the seawall by anchoring an 18” coir roll, backfilling with soil and planting with native grasses. The area is coastal bank. Members discussed and felt it should be handled as a formal request to Amend the Order of Conditions. Ms. Phelan noted that the timing may not be feasible since the contractor will not be working in that area much longer.

The third item is to approve funding the fabrication of the sea level rise sculpture. The Commission previously approved the design of the sculpture while working with Climate Creatives. Climate Creatives obtained two quotes from metal fabricators. The lower quote was \$12,900. Ms. Phelan also displayed the draft signage that would be installed to provide information about the sculpture. The draft sign includes the datum that the project was designed with as well as the datum the “MyCoast” app uses. Ms. Phelan included both datums on the draft sign as the intention is that people will take photos of the water level uses the sculpture as a reference point. Mr. Parker suggested simplifying the language. Further discussion on the sign is needed and it will be included on next month’s agenda.

Motion: by Mr. Williams to approve funding the quote provided for the Rising Water Sculpture by Wovensteel of \$12,900.

Second: by Ms. Francis.

Vote: 6:0:0.

Conservation Ranger

Ms. Phelan said she was thinking about combining the two three-hour per week ranger positions into one six-hour per week position as one of the rangers recently resigned. Commission members agreed that it would make sense.

Approval of Minutes March 3, 2022

Motion: by Ms. Charles Lis to approve the March 3, 2022 minutes.

Second: by Mr. Williams.

Vote: In favor: 5 (Lis, Francis, Parker, Pham, Williams), Opposed: 0, Abstained: 1 (Hayward).

Other

Adjourn

Motion: by Ms. Charles Lis to adjourn the meeting at 9:52 PM.

Second: by Ms. Francis.

Vote: In favor: 6, Opposed: 0, Abstained: 0.

*continued from March 3rd meeting