

## Department of Planning and Community Development

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Mayor Joseph C. Sullivan

### Braintree Conservation Commission

Heather Charles Lis, Chair  
Donald Murphy, Vice-Chair  
Alan Weinberg, Clerk  
Joyce Albrecht  
Diane Francis  
Christopher Hayward  
Peter Williams

**APPROVED**

## CONSERVATION COMMISSION MINUTES THURSDAY, MAY 2, 2019, 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Joyce Albrecht, Christopher Hayward, Heather Charles Lis, Peter Williams, Alan Weinberg & Kelly Phelan, Staff

Absent: Diane Francis, Gus Murphy

### Public Hearings

#### Notice of Intent DEP File #8-678 530 West St./ADG 530 West St. LLC (continued from April)

Garrett Horsfall from Kelly Engineering Group was present with Eli Levine of ADG 530 West St. LLC and Dan Buonagurio of Recycleworks (tenant in the building). Mr. Horsfall reviewed the project which consists of installation of two water quality treatment units and a deep sump catch basin as well as removing an area of pavement and seeding it with a conservation seed mix.

Staff prepared draft conditions for the project. This includes a condition for dye or camera testing of the unknown drainage discharge and a prohibition on use of coal-tar sealant for sealcoating the parking lot. Mr. Horsfall noted they were agreeable to all of the conditions.

Mr. Williams suggested changing condition #22a to require a 24 hour contact phone number rather than a business phone number and condition #40 to require that any dumpsters be screened as well as contained. Members and staff agreed.

Ms. Charles Lis thanked the applicant for their responsiveness to the comments and concerns raised during the process.

Motion by Mr. Weinberg to issue the Order of Conditions for DEP File #8-678, 530 West St., with conditions as drafted and amended above and to find the project significant to the Wetland Protection Act and Braintree Wetland Bylaw . Second by Mr. Hayward. Vote: 5-0-0.

Motion by Mr. Weinberg to close the public hearing. Second by Mr. Williams. Vote: 5-0-0.

#### **Request for Determination of Applicability – 1681 Washington St./Rau MD, TTE**

Patrick Campbell was present representing Dr. Rau. Mr. Campbell said the drainage on the site was neglected for many years and the rip rap drainage swale at the back of the site needs to be rebuilt. Ms. Charles Lis asked Mr. Campbell if he had read the staff memo and could address questions raised in the memo. Mr. Campbell said there was 8 feet of sediment in each of the catch basins which was flushed out incorrectly and buried and dislodged the rip rap. He said they now have a contract with Wind River for maintenance 3 times a year.

Staff said the access path to get to the area is fairly open with some shrubs such as multiflora rose in the way. There is an elm tree near the rip rap would should be saved if at all possible.

Ms. Charles Lis suggested amending condition #4 to seed any bare soil within 100 feet of the wetland with a conservation seed mix.

Motion by Mr. Weinberg to issue a negative Determination of Applicability with conditions as drafted and amended. Second by Mr. Hayward. Vote: 5-0-0.

Motion by Mr. Weinberg to close the public hearing. Second by Mr. Hayward. Vote: 5-0-0.

#### **Other Business**

##### **Update on 8-633 19-37 Commercial St./Landing Apartments, LLC**

Staff prepared a summary memo noting that landscaping required by the Commission has not been installed and several utility boxes are in a location which conflicts with the landscape plan. She has requested the applicant address how they intend to comply with the approved landscape plan. The project engineer sent an email noting that they are working on this and trying to coordinate with the landscape designer for the Smelt Brook daylighting project. Staff will let them know that they are expected to have the in advance of the June meeting.

Motion by Mr. Weinberg to continue the matter to the June 6 meeting. Second by Ms. Albrecht. Vote: 5-0-0.

##### **Update on 8-664 2 Garden Park/McGourty**

Brian McGourty was present. Mr. McGourty said he was delayed by weather but everything has been completed now. His wetland scientist and engineer will provide the documentation next week. He will make sure everything else is resolved. Staff summarized the outstanding issues which need to be addressed and will confirm that these are done before the next meeting.

### **Forbes Rd. Billboard Pruning**

George Ackerman, arborist for the project was present. The applicant, RSA Media, received a negative Determination of Applicability with conditions. One condition required that pruning be done during the dormant season defined as December 1 – April 30. The applicant has not received their permit from MA DOT and requested an extension of that time frame to the end of May.

Mr. Hayward said it is ok to prune past April 30<sup>th</sup> but it should not be done in the heat of summer. Mr. Hayward suggested the time frame be extended to June 15<sup>th</sup>.

Mr. Ackerman said he will meet with staff on site to determine where shrubs can be planted.

Motion by Mr. Weinberg to extend the time frame for pruning to June 15<sup>th</sup>. Second by Mr. Hayward. Vote: 5-0-0.

### **Potential Land Donation – Grove St.**

Staff noted that a realtor involved in marketing the lot (with the former ATM bank machine) on the corner of Grove St. and Liberty St. inquired as to whether the Commission would be interested in accepting a donation of a portion of the lot. Staff did not recommend acceptance because the land is not contiguous to other open space and typically parcels that are adjacent to residential neighborhoods are dumping grounds for yard waste. Mr. Weinberg said he agreed with staff. Mr. Hayward said he had mixed feelings. Mr. Weinberg said concerns included dumping of trash and cost of maintenance and it takes land off the tax role. Staff said there is a capacity issue with maintaining land particularly with small parcels within neighborhoods due to dumping.

Mr. Williams suggested the Town may want the land because of the drainage easement. Staff will inquire with other Town Departments and the Mayor's office to see if they have any interest.

### **Potential Land Donation – Kelley Dr.**

Staff noted that the Town received an offer of donation of three parcels of land at the end of Kelley Drive. They are within the floodplain and abut an area of the Braintree Golf Course. Staff recommended accepting these lots because they abut existing open space and are within the floodplain. The Town receives credit for protecting land within the floodplain as part of its participation in the Community Rating System (CRS) of the National Flood Insurance Program.

Members were in agreement contingent upon a site visit to confirm that there are no major issues with the property.

### **Update Wetland Rules and Regulations**

Staff noted that the Town Solicitor's review has not been received yet. Also, there is now a final draft of the Stormwater Regulations so it may make sense to coordinate on the timing on these two sets of regulations.

Ms. Charles Lis noted that she and staff had discussed the possibility of incorporating an administrative review provision in the regulations for small projects. Hingham has a similar provision. This can be discussed at the next meeting . We should also add a dumping prohibition to the regulations to help with enforcement of this issue.

### **Public Lands Protection Act**

Staff drafted letters of support for the state senators and representatives. Ms. Charles Lis noted that the legislative effort to clarify the process for removing land from Article 97 protection is underway again. Article 97 is part of the state constitution and guarantees the public right to clean air and water and protects land taken for environmental protection. The bill would provide no net loss of protected land. Land to be transferred out of Article 97 would require replacement land to be protected. Mr. Weinberg said he agreed with sending letters of support to the legislators as did other members. Ms. Charles Lis signed the letters and staff will send to the legislators.

### **Watson Park Project**

Staff noted that the Town received a Coastal Zone Management (CZM) grant to develop options to stabilize the eroding shoreline at Watson Park and look at long-term impacts of sea level rise including the potential for salt marsh migration. The consultant developed alternatives which have been reviewed by Town Staff and preferred options selected. The next step is to apply for another round of grant funding to finalize the design and permitting. Staff requested the Commission fund the \$20,000 match out of their conservation fund. Mr. Williams said he hopes there is opportunity to tweak the final design. He is experienced in coastal engineering and would like to be involved. The Commission discussed the complexities of materials such coir logs to stabilize the toe of the marsh and bank versus stone at the toe of slope.

Motion by Mr. Williams to fund \$20,000 from the conservation fund for match to a CZM grant for final design and permitting with Commission involvement. Second by Mr. Hayward. Vote: 5-0-0.

### **Conservation Fund**

Staff gave the Commission an update on the Conservation Fund. There is \$450,000 in a 4 year CD which renews in November, 2019 and \$10,000 in the account the Commission uses to pay the ranger. Funds will need to be withdrawn before the CD renews in November. This includes \$20,000 used in support of the CZM grant and funds to pay the ranger over the next four years as well as funds to have available for other projects the Commission may wish to pursue. This discussion will be continued at the next meeting.

Staff noted that there is a request to have ranger funding put in the FY 20 operating budget so that the ranger hours can be increased and/or a dedicated ranger for Eaton's Pond can be hired to address the illegal camping problem. If there is not funding in the operating budget, the Commission may wish to fund additional ranger hours from the conservation fund. This is also an issue if the Commission takes over management of the Town Forest as more capacity is needed.

Ms. Charles Lis said she will try to speak with Mayor Sullivan about the Town Forest and the ranger funding. She said she has seen the Town Forest become an issue in other communities when a municipal building site is needed.

**Other**

None

**Approval of Minutes – April 4, 2019**

Motion by Mr. Williams to approve the minutes of April 4, 2019. Second by Ms. Albrecht. Vote: 4-0-1 with Mr. Weinberg abstaining.

**Adjourn**

Motion by Mr. Weinberg to adjourn the meeting at 8:55 PM. Second by Mr. Hayward. Vote: 5-0-0.