



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 MAY 5, 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. They presented a revised plan which relocates the proposed fence to avoid disturbance beyond the buffer zone markers. Ms. Phelan noted that she had drafted conditions of approval which required this change. Ms. Charles Lis suggested replacing that condition with a condition that the fence location be staked on site and reviewed by staff prior to the installation of the fence and this was accepted by the Commission.

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

Motion: by Mr. Hayward to issue a negative Determination of Applicability with conditions as drafted and amended.

Second: by Ms. Francis.

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

Motion: by Mr. Hayward to close the public hearing.

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 and Eric Muench, project engineer from AECOM were present. Also present was Jim Arsenault 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 said they received the Conservation and Management Permit from Natural Heritage and Endangered Species program. They also received draft conditions from Ms. Phelan and had no problems with the conditions.

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

Motion: by Mr. Williams to issue the Order of Conditions for 8-704 as drafted.

Second: by Ms. Francis.

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

Motion: by Mr. Williams to close the public hearing.

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, Garrett Tunison from Tunison Environmental Consultants and Shawn Hardy and Chi Man from Hardy + Man Design Group. Deb Keller, peer review engineer from Merrill Engineers and Consulting was also present.

Mr. Tunison said they provided a wetland replication area of 687 sq. ft. and a buffer zone restoration area. He said everything is updated and they clarified the buffer zone tree planting.

Attorney Modestino said they appreciated Ms. Phelan's efforts to draft conditions of approval for the project. He said Mr. Tunison responded to all of the peer review comments. Ms. Keller said she spoke with Mr. Tunison early in the day and he clarified the square footage questions. She said her questions from the wetland impacts and replication has been addressed. Ms. Charles Lis asked about stormwater. Ms. Keller said there is more work to do and additional test pits are needed to confirm the ground water elevation. Revisions are also needed to clear up inconsistencies between plans. Mr. Hardy said they received the peer review comments last night. They don't see anything they disagree with and will be provided the information. Ms. Charles Lis asked about Ms. Keller's comment regarding the peak volume of runoff which is increasing in the 25 and 100 year storm events. Ms. Keller said it is a small volume to begin with. It is going from .027 acre-feet to .042 acre-feet.

Ms. Charles Lis said a lot of information had been received and while there is a draft order prepared she would like to take the time to review all of the revised material before voting. Mr. Clements said this has been a 6-year process with multiple agreements with the Town. He said CVS has been very patient and that his team has done a spectacular job of providing material. They have gone from the original proposal for a 96-unit building and have been working on the current proposal since January. Ms. Charles Lis said she would like time to digest all of the revised material. Mr. Clements said that was unacceptable. Mr. Modestino said CVS only opens so many stores a year and may move on to another location if they can't deliver the store on their timeline. Mr. Clements said he would like to withdraw the project.

Motion by Mr. Williams to table the discussion until later in the meeting.

Second: by Ms. Francis.

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

Note: the hearing resumed after the conclusion of the hearing for DEP File # 8-709.

Attorney Modestino said he spoke by phone to his client, Mr. Clements, who had left the meeting and Mr. Clements decided not to move forward and wants to withdraw.

Melissa SantucciRozzi, Planning and Community Development Director, said the Town has been working to transform this corner. There are still outstanding issues but Ms. Phelan was able to produce a detailed set of conditions with safeguards. She requested the Commission adopt the conditions. She said it was within the Commission's purview to move forward and not accept the request to withdraw.

Ms. Phelan said if the applicant does not agree to a continuation the Commission can vote to approve or deny the project. She recommended voting to approve. The applicant has the choice to not construct the project if he does not wish to move forward.

Mr. Hardy said he believes that Mr. Clements is under the impression that he needs to withdraw to maintain his rights as is done with Zoning Board applications but that is not the case with a Conservation Commission vote.

Nicole Taub, Town Solicitor and Chief of Staff, said the Town has been working to move this project forward to the next phase. She believes the outstanding issues have been conditioned.

Mr. Modestino said he can only convey what his client said but he agrees with the comments made by all of the previous speakers.

Mr. Williams said the process is clear in the wetland regulations and the Commission should base their vote on the information provided and the draft conditions and in no way should it be based on other town boards or staff. Mr. Williams suggested reviewing the conditions. Ms. Charles Lis suggested amending condition #31 to require that response to the May 3rd peer review comments be resolved to the satisfaction of the peer review engineer and the Commission.

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

Motion: by Mr. Williams to issue the Order of Conditions for 8-708 as drafted and amended.

Second: by Ms. Francis.

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

Motion: by Mr. Williams to close the public hearing.

Second: by Ms. Francis.

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

Notice of Intent DEP File # 8-709 28 Brookside Rd./Podium Capital*

Renan Barreto from Podium Capital was present with his attorney, Jonathan Polloni.

Attorney Polloni said they increased the mitigation area to 1400 sq. ft. and revised the plans to show the calculations for lot coverage. Ms. Phelan said she was satisfied that the project meets the performance standards and had drafted conditions. Mr. Polloni said they reviewed the condition and don't have any issues. They are hoping the decision can be finalized tonight.

Ms. Francis said she saw the area where restoration is proposed and there is a lot of rubble and cinder blocks to clear up. Smelt Brook is there but it is hard to get beyond the fence to it. Ms. Charles Lis said it would be great to have the area cleaned up. Mr. Polloni said there was a possibility of getting the land between the property and the brook conveyed to Mr. Barreto, regardless there is an opportunity to improve things on his lot.

Ms. Phelan noted that the erosion control needs to be installed immediately as there was site work done to replace a section of foundation.

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

Motion: by Mr. Williams to issue the Order of Conditions as drafted and to require the applicant to install the erosion control immediately.

Second: by Ms. Francis.

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

Motion: by Mr. Williams to close the public hearing.

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 60 Columbian St./Banner Park LLC

Alan MacDonald from Banner Park LLC was present with Garrett Tunison, project wetland scientist and Karlis Skulte, project engineer. Deb Keller, peer review engineer from Merrill Engineers and Consulting was also present.

Mr. MacDonald stated that the project is a life science campus with a strong connection to nature. They envision staff will be able to walk trails and engage with nature and perhaps include a dog park.

Mr. Skulte said the project was originally permitted as Tricon Park in the late 80s and went through the MEPA process at that time. The original project included 750,000 sq. ft. of commercial space and multiple wetland crossings. Two buildings and an access drive were developed. They filed an Abbreviated Notice of Resource Area Delineation and received an Order of Resource Area Delineation in March after third party review and modification of the wetland boundary. They propose 270,000 sq. ft. of flex technical/industrial space in two buildings that are located out of the 25-foot no-disturb buffer zone. He said they received feedback in initial meetings with town departments and changed the design to provide a more robust buffer and minimize impacts. He said they are maintaining 47 out of 69 acres as undeveloped which is more than 69% of the land. He said they will utilize the existing utility connections in the road. The site will be balanced in terms of grading and they are using retaining walls to minimize impacts.

Mr. Skulte continued, the stormwater management system will direct runoff to the three wetlands and meets the peak rate and volume requirements. Infiltration chambers are proposed under the parking lots. They are working with the Town's peer review engineer to address any concerns.

Mr. Tunison summarized the impacts of the project. There is 32,000 sq. ft. of impact proposed in the 25 to 50-foot buffer zone and 137,750 sq. ft. of impact in the 50 to 100-foot buffer zone. The trees over 4 inches in dbh to be removed in the buffer zone were flagged in the field. In the 25 to 50-foot buffer zone there are 111 trees to be removed and in the 50 to 100-foot buffer zone there are 458 to be removed. Some of these are invasive or in poor health. Mr. Tunison said he included a request for a waiver from the replacement size due to the need to transport and plant the trees without disturbance to the surrounding vegetation. They propose two buffer zone enhancement

areas which will be planted with 88 trees. They also propose a 9000 sq. ft. restoration area which will include removal of landscape debris and planting.

Ms. Francis asked if there would be a lot of trucks in and out of the facility. Mr. Skulte said they did a full traffic study as part of the Planning Board application, that is also being peer reviewed. He said it will be a low volume facility. Ms. Francis asked if they would be washing trucks on site. Mr. Skulte said there would be no vehicle washing on site. Ms. Charles Lis asked if it was considered a Land Use With a Higher Potential Pollutant Load (LHUPPL) under the stormwater standards. Mr. Skulte said there are on the edge of that with the number of trips but the stormwater system is designed to treat the first one-inch of runoff.

Mr. Pham asked if the inverts of catch basins and manholes were shown on the plans and if they are using the galleys as pre-treatment. Mr. Skulte said there are more detailed sheets in the plan set and that deep sump catch basins will be routed to separators prior to infiltration.

Mr. Parker asked about the development footprint of Banner Park compared to what was approved for Tricon Park. Mr. Skulte said Banner Park is approximately 271,000 sq. ft. of development while Tricon Park had 750,000 sq. ft. of development.

Mr. Parker asked about the alternatives to the size of the buildings and parking lots. Ms. Charles Lis said she would also like that information. She said it is a large project with over three-acres of disturbance in the buffer zone. Mr. Tunison said they are working on a revised set of plans to reduce this impact and will update the Commission.

Ms. Charles Lis noted Ms. Phelan's memo. She said she agreed with the comments and asked the team to provide a written response. She noted the peer review engineer was on the call. Ms. Keller said she expects to complete her review early next week.

Ms. Charles Lis said the project is a large-scale development on a large parcel with wetlands adjacent to other conservation land. She said it is important to think about how to protect the remaining land. She asked the applicant to consider a Conservation Restriction on the remainder of the land. Mr. MacDonald said they have no current plans but it would be unwise to fully promise that now. Mr. MacDonald said they are having conversations with the New England Wildlife Center and they are discussing a trail system. Ms. Charles Lis said that Conservation Restrictions are often done during permitting and based on the scale of this project it would be a good fit. She suggested the possibility that a Conservation Restriction could be done as mitigation for the trees that can't be replaced. She said that contiguous open space is important part of the toolbox for climate resilience.

Mr. Hayward said a site visit is important.

Mr. Parker asked about the trail system that was Mr. MacDonald mentioned. Mr. MacDonald said they are working with someone on it and would come before the Commission. Mr. Tunison said trails do currently cross the property.

Mary Ellen Schloss, Conservation Administrator for Weymouth requested permission to read a letter from the Weymouth Conservation Commission dated May 5, 2022 into the record. Ms. Charles Lis agreed, noting it as a courtesy extended to the Commission of a neighboring town. The letter raises concerns about stormwater, rare species and vernal pools, tree removal, open space and requests a site visit.

Mr. Skulte said they are performing additional test pits to confirm that their stormwater system will work as designed.

Mr. MacDonald said that they are meeting with the Mayor of Weymouth and the New England Wildlife Center and they have begun making changes to the plans to take the feedback into account.

Ms. Charles Lis asked for public comment.

Karen Warwick from Weymouth said she has a letter to submit the Mayors of both towns. She is concerned about traffic and the length of time that construction will be taking place. Ms. Charles Lis noted that traffic is out of the purview of the Conservation Commission. Ms. Warwick said she also has concerns about noise and air pollution. Ms. Charles Lis said those are generally not in the Commission's purview either. Ms. Warwick said that, depending on the tenant of Building B, there could be impact from emissions and runoff pollution. Ms. Charles Lis said that the Stormwater Standards prohibit illicit discharges. Mr. Pham said that storage for any potentially hazardous material is designed to prevent leakage, he noted the example of double-walled tanks. Mr. Pham said that the box for Standard 6 on the Stormwater Checklist was not checked; this should be corrected since the site includes Outstanding Resource Waters.

David Tower from Tommy Marks Way in Weymouth said that Ms. Schloss's letter touched on many concerns. The sheer magnitude of the project will have an impact. He said he already gets water in his basement. He hopes the Conservation Commission will look at the project closely and consider potential for stormwater runoff. He also noted the Tricon master plan. He said the Commission could approve this project and the applicant could apply again for more buildings. He asked the Commission to consider the abutters.

Jeremiah Murphy from Tommy Marks Way in Weymouth said he is 100 feet of the property line. He is concerned that the project will wipe out the woods. The elimination of trees and soil will increase the problems they have with water and high water table. He said the catch basins discharging to wetlands will cause the brook to rise and damage homes. The brook feeds the Mill River which goes to Whitman's Pond which is part of Weymouth's water supply. He said the project will harm the drinking and vernal pools.

Robert Kearns, former resident of Braintree, said he echoed the concerns of Weymouth. He suggested the applicant consider underground storage of stormwater and reduced parking area. He suggested that there could be an arrangement with the former lottery building as there is a lot of parking there. He said the project could create a heat island effect from all of the impervious area. He said the area is a wildlife corridor between Holbrook, Braintree and the ACEC and the Mill River has a herring run and the wetlands provide benefit to water supply in the system.

Mike Richardi from Weymouth said he is also the former Chair of the Weymouth Braintree Regional Recreation Conservation District. He said he is not satisfied that the Smelt Brook system will not be impacted. He said there is sheet flow from the site to the culvert under Columbian and Grove Street which flows toward Smelt Brook. He said all of the wetlands have been cut up over time which has decimated amphibians. He said that Mr. Delegas in Weymouth had donated land to enhance habitat and there is an opportunity here to step up and protect land. He said other concerns include noise from dumpster collection in the early morning and trash and litter similar to what is seen on Finnell Drive in Weymouth.

Ms. Charles Lis noted the comments in the chat. She said she was going to skip the ones concerning traffic since that is not within the Commission's jurisdiction. She said there was a comment about the heat island effect and suggested the applicant consider a green roof.

Motion: by Mr. Hayward to continue the public hearing to the June 2nd meeting.

Second: by Ms. Francis.

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

Notice of Intent DEP File # pending 385 Quincy Ave./CITGO Petroleum Corp.

Alan Pepin, project engineer from GEI was present. Mr. Pepin said the project is to stabilize the existing seawall. The timber piles supporting it are deteriorating. They will encase the poor piles in concrete and place stone in the front. The work will be done from the land. He said the project includes impacts to Land Under the Ocean and Coastal Beach.

Ms. Charles Lis noted the staff report from Ms. Phelan and asked the applicant to provide a response.

Mr. Williams asked if they had done an alternatives analysis. Mr. Pepin said they had as they went through the MEPA process. He said the looked at sheetpile but there are issues given the historic spills.

Ms. Charles Lis said Riverfront Area should be labeled on the plan. Mr. Pepin said that Mean High Water was labeled on the plan. She asked if the area was considered Land Containing Shellfish. Ms. Phelan said the area is mapped as prohibited for shellfish harvesting.

Mr. Williams said the profile of the slope shown on the plans shows the rip rap going over the toe stone. He suggested this base below the top of the toe stone.

Ms. Charles Lis said that although there are impacts to Land Under the Ocean and Coastal Beach, the slope will dissipate more energy than a vertical wall.

Ms. Charles Lis asked for public comment.

Robert Kearns, former Braintree resident and volunteer with Fore River Residents Against the Compressor Stations, said that Mike Lang, a Braintree resident and organizer of the East Braintree Civic Association had trouble getting on the call but they share concerns about sea level rise and flooding. He said the project should be designed to take future sea level rise and flooding projections into account.

Ms. Charles Lis asked if the project is part of a phase. Mr. Pepin said they are only proposing to stabilize the existing seawall.

Mr. Pham asked if the MEPA Certificate had been received. Mr. Pepin said he will confirm.

Motion: by Mr. Hayward to continue the public hearing to the June 2nd meeting.

Second: by Ms. Francis.

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

OTHER BUSINESS

Update on 530 West St.

Brad Allac from Readyspaces was present with Eli Levine, owner of 530 West St. Readyspaces leases space at the property. Ms. Phelan said that tenants of the building have been servicing vehicles and changing oil in the parking lot. Ms. Phelan said she had requested the stormwater system maintenance records and noted that the inspection and maintenance was not being done until requested. Mr. Levine recently provided records of the inspection and maintenance done in late April. She also requested that Readyspaces update their lease agreement with their tenants to make it explicitly clear that this activity could not continue. A video was provided early in the day from an abutter showing fluid from the vehicles being dumped on the property. Mr. Allac said they were taking that individual out of the facility and they are considering removing 18 wheelers altogether. He said they have cameras

in the parking lot but the lights are not turned on because of issues with the neighbors so the cameras don't work at night.

Ms. Phelan said her recommendations include installing cameras to monitor this area, daily review of the footage, revision the lease agreement with the tenants to include steep fines for servicing vehicles or releasing fluid and signed receipt by each tenant to confirm their receipt and consent to the agreement. She also said it may be appropriate for an LSP to evaluate the dumping area.

Mr. Levine said they will cooperate to make sure it doesn't happen again. Ms. Charles Lis said they need to make sure that the regular maintenance of the stormwater system takes place. Mr. Pham asked if there were hoods in the catch basins. Mr. Levine said two of the basins need hoods and they will install them.

Motion: by Mr. Hayward to continue the matter to the June meeting and require: camera installation, updated lease agreement with fines and signed receipt by tenants of such.

Second: by Ms. Francis.

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

Request for Certificate of Compliance 8-648 60 Jensen Farm Rd

Joe Fernald, Jr. was present but was having difficulty with audio at first. Ms. Phelan said the project (a single-family house) was completed largely in accordance with the plan however a bioretention basin needed to be regraded and seeded. Mr. Fernald, Jr. had told her they would complete that today but she was not able to make it to the site. She recommended issuing a partial Certificate of Compliance for this outstanding issue as well as the two-year monitoring requirement to ensure that replacement trees survive.

Ms. Charles Lis said she was not comfortable issuing the partial Certificate until Ms. Phelan verified that the basin had been regraded and seeded. Mr. Williams agreed.

Motion: by Mr. Hayward to continue the matter to the June meeting.

Second: by Ms. Francis.

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

Mr. Fernald was able to unmute and said that he spoke with Ms. Phelan about the changes required and they did them, including hydroseeding. He said they are willing to post a bond. He said they have a buyer trying to close and the partial Certificate is necessary. Ms. Charles Lis asked if a letter from staff would be sufficient. Mr. Fernald said he wasn't sure. Mr. Williams said he would not be support issuing a partial Certificate until Ms. Phelan is able to verify that the concerns were addressed.

Watson Park Coastal Resilience Project Update Tabled

Approval of Minutes April 7, 2022

Motion: by Mr. Hayward to approve the April 7, 2022 minutes.

Second: by Ms. Francis.

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

Adjourn

Motion: by Mr. Hayward to adjourn the meeting at 10:48 PM.

Second: by Ms. Francis.

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

*continued from April 7th meeting