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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
JUNE 2, 2022 MEETING (7PM)
REMOTE MEETING VIA ZOOM**

APPROVED

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

Absent: Giles Parker, Peter Williams

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.

PUBLIC HEARINGS

Notice of Intent DEP File # 8-310 385 Quincy Ave./CITGO Petroleum Corp.*

Alan Pepin, project engineer from GEI was present. Mr. Pepin said that they provided supporting information on shellfish habitat. The area is not mapped as suitable for shellfish and shellfish harvest is prohibited. He said they updated the cross-section to show that the base of the revetment will not be higher than the toe stone. He said they provided a response to the DEP comments this afternoon. He said that the project will have minimal impact to the bottom topography and will not increase storm damage or erosion. The project is reconstructing a previously altered coastal beach and will have minimal impact. He said they evaluated alternatives such as removing the existing seawall but they have a Release Abatement Measure Plan and active piping and mooring structures in this area; it is not feasible to disturb the seawall.

Ms. Phelan noted that a Time of Year Restriction had been recommended by the Division of Marine Fisheries. They recommend a time of year restriction on in-water, silt-producing work from February 15 to June 30.

Ms. Charles Lis asked Mr. Pepin if they submitted the alternatives analysis to DEP. Mr. Pepin said that they had provided that and discussed the alternatives with DEP during the MEPA process. Ms. Charles Lis would like to know if DEP is satisfied with the response. Ms. Phelan will confirm with DEP.

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

Motion: by Mr. Hayward to continue the public hearing to the July 7th meeting.

Second: by Ms. Francis.

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

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. Tunison said they did a site walk on May 19th with members and staff of the Commission as well the Weymouth Commission staff and several Weymouth residents. They looked mainly at the areas of work in the buffer zone. Mr. Tunison said he flagged the boundary of the ephemeral ponding area as the certified vernal pool and will update the survey plan with those flags. He said the project plans have been updated to removal approximately 15,000 square feet of asphalt. He said they increased the buffer zone enhancement area to 49,050 square feet. The other enhancement area hasn't changed; that is 17,625 and there is also 9000 square feet of buffer zone restoration. He said 116 trees will be replaced and they are working on preserving 47 acres of the site.

Mr. Skulte addressed the design modifications. He said they increased the distance of the project from Tommy Marks Way in Weymouth by reducing pavement in that area. They are reducing pavement by 10,000 square feet. They eliminated the truck staging area and will add more plantings in that area. They also relocated exterior utilities to the northeast end of the building and they are proposing a visual and sound barrier. They are performing additional test pits and reviewing and identifying any modifications to the drainage design which may be needed. They are looking at options to incorporate Low Impact Development measures for drainage. They are continuing to work with the New England Wildlife center on a trail network that could be incorporated into the project.

Mr. Hayward said he went on the site visit. He thanked the applicant for removing impervious area and adding more buffer zone planting. He said it is a beautiful piece of property and tough to see it developed but they are protecting the resource areas.

Ms. Charles Lis said she would echo Mr. Hayward's comment. She asked about the stormwater outfall which discharges straight to the wetland and asked if that could be relocated or adjusted. Mr. Skulte said they are looking at that. She said she appreciates the changes that have been made and asked if the restoration areas include seeding or plugs. Mr. Tunison said there is a lot of black huckleberry on the site and they would like to translocate that with the leaf litter. He said there are a lot of literature indicating that is good amphibian habitat.

Ms. Phelan asked that the restoration areas be shown on the site plans. She said the forest is free of invasive species and attributes that to the fact that forest is intact and undisturbed. She said minimizing disturbance is critical. Ms. Charles Lis suggested that no straw or hay products be used as they could bring in invasive seeds.

Ms. Charles Lis said she appreciates the consideration of Low Impact Development. She noted that DEP has commented in the past that they only credit 25% TSS removal for the Stormceptor 450i. She asked that unless there are more recent studies that they revisit this. Mr. Skulte said the 450i are being used to provide pre-treatment in combination with the deep sump catch basins.

Ms. Charles Lis asked about the possibility of incorporating a green roof or a blue roof to store water for irrigation. Mr. Skulte said they looked at this but without knowing the specific needs of a tenant it is hard to commit to providing this.

Ms. Keller, peer review engineer, said she looks forward to the results of the additional soil testing. Her wetland review comments are to make sure the vernal pool limits are accurate. She noted that the site contains Outstanding Resource Waters which are tributary to Whitman Pond. She said that the tree replacement tables should be updated.

Ms. Charles Lis asked for public comment.

Mary Ellen Schloss, Conservation Administrator for Weymouth, said that Weymouth hired their own peer review engineer. She requested that he be able to summarize his review comments. The comment letter had been submitted earlier in the day.

Andrew Feingold, with Green International is the peer review engineer for Weymouth. Mr. Feingold summarized the key points from his letter. He said there is a concern about flooding on Tommy Marks Way and it is critical that modeling is accurate. Standard 6 of the Stormwater Standards should be addressed as the site includes Outstanding Resource Waters. The vernal pool boundary should be staked and he suggested that both the certified and potential vernal pool should be identified. Mr. Tunison said the whole area was identified as ephemeral ponding area. The certified vernal pool is a GPS point. Natural Heritage and Endangered Species look at aerial photos when looking for potential vernal pools. Mr. Feingold continued. He said the O&M Plan should address ongoing maintenance and be filed with the Registry of Deeds per the Town's Stormwater Regulations. He also suggested consideration to Low Impact Development measures be given and said that the project should demonstrate compliance with the standard for Land Use With Higher Potential Pollutant Loads (LUHPPL).

Ms. Schloss said that they had received a response letter (dated May 27th) from Mr. Tunison to their letter of May 5th. She said she anticipates that the Weymouth Commission will respond to that letter. She asked if there would be an organized site visit to view the vernal pool flagging. Mr. Tunison said the flagging is on the property of the New England Wildlife Center. Ms. Charles Lis suggested that Ms. Phelan and Ms. Schloss could coordinate a site visit with Mr. Tunison. Mr. MacDonald asked if another site visit was necessary. Ms. Charles Lis said the resource area hadn't been flagged previously and it is located in Weymouth so it is appropriate that Weymouth conservation staff attend.

Carol Murphy from Tommy Marks Way in Weymouth thanked the Commission for allowing Weymouth residents on their site visit. She said she was disappointed the site visit didn't reach the furthest part of the project. She is opposed to 150,000 square feet of warehouse space. She asked why the woodland has to be destroyed to accommodate the project. She said the project will destroy habitat, encroach on vernal pool and direct runoff to Weymouth. She asked why the project is so big. She said her house is 13 feet below the grade of the project and that will create further water problems. She said she heard two facts at a community meeting in Weymouth. One is that the are plans to further develop the site with a Phase 2 and the other is that Brigham is also talking about expanding. She asked why the project can't be downsized.

Elizabeth Maglio, Braintree District 3 Councilor, said she is following the process and has many of the same questions as the previous speaker.

Ms. Charles Lis said the scale of the project is significant and there is great value in heavily wooded areas, particularly for climate resilience. She said the Commission can only act in areas within their jurisdiction.

Yan Mei from Tommy Marks Way in Weymouth said that not knowing the tenant for the buildings is a concern. She strongly disagrees with the project. She is concerned that the tenant could use chemicals which would be harmful to health. Ms. Charles Lis noted that the Commission doesn't have a say over future tenants and that air quality is not in the Commission's jurisdiction.

David Tower from Tommy Marks Way in Weymouth said that he appreciates that the applicant is willing to install a noise buffer but he is not sure it will be effective. He said if they are allowed to take down trees and plant smaller trees will take years for the smaller trees to grow.

Karen Warwick from Weymouth said if the Commission doesn't know who the tenant is, they don't know what materials could be used on site and chemicals could go into the storm drain.

Ms. Charles Lis said a future tenant will have to follow the stormwater regulations and there will be an Operation and Maintenance Plan for the stormwater system and site.

Laura LaBarron from Massapoag St. in Weymouth said she is concerned about 18-wheeleers leaking fuel and oil over the site. Ms. Charles Lis said the stormwater standards require measures to meet water quality standards and the LUHPPL standards are higher.

Jeremiah Murphy from Tommy Marks Way in Weymouth said it is important to accurately identify the boundary of the vernal pool. He said he is grateful the applicant is making concessions but he noted that Mr. Tunison said 15,000 square feet of pavement would be removed and Mr. Skulte said much less than that. He said the noise barrier won't prevent lights from shining and that the houses on Tommy Marks Way are 13 feet lower than the project. He wonders if an endangered species analysis has been done and asked what is meant by "woody debris". Mr. Tunison said he was estimating how much pavement would be removed and that Mr. Skulte would have the accurate number. He said the vernal pool boundary is done by evidence of staining from the presence of water and is well-defined. He said woody debris is logs, limbs and branches.

Ms. Charles Lis requested that the O&M Plan include cleaning catch basins four times per year and the Commission's standard prohibition on chemical use (herbicide, pesticide and fungicide). She said she interested in pursuing the opportunity to put a Conservation Restriction on the site. It is a good mitigation tool especially given the impact to the buffer zone and the inability to mitigate the tree removal. It would be extremely beneficial to protect the rest of the land.

Mr. MacDonald said they have publicly announced that they are actively in discussion with the Town and the New England Wildlife Center to preserve access behind Building B.

Motion: by Mr. Hayward to continue the public hearing to the July 7th meeting.

Second: by Ms. Francis.

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

OTHER BUSINESS

Update on 530 West St.

Brad Allac from Readyspaces was present.

Ms. Phelan said she had received the amended license agreement which includes a \$500 fine per violation of servicing or repairing vehicles in the parking lot.

Mr. Allac said they served notice of non-renewal to the 18-wheelers effective June 9th. They also ordered night vision cameras and are receiving quotes for their installation.

Ms. Charles Lis thanked Mr. Allac for his response.

Ms. Phelan requested that Mr. Allac provide an update on the camera installation within a month to six weeks Mr. Allac agreed.

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

Ms. Phelan recommending issuing a partial Certificate of Compliance approving the house, bioretention area and driveway and with surviving conditions for bioretention basin maintenance and the no-disturb buffer. The only outstanding issue is the requirement that trees and shrubs survive two-growing seasons. The as-built plan should also be revised to reflect that the bioretention area was regraded (as discussed at the May meeting). Ms. Charles Lis said she would prefer to hold off on issuance of the Certificate of Compliance until the as-built plan is revised. Ms. Phelan said there is a \$2000 as-built guarantee which can be held until the as-built is revised. She is comfortable with issuance given the guarantee. Ms. Charles Lis requested that this be included on the form.

Motion: by Mr. Hayward to issue the Partial Certificate of Compliance for 8-648 with surviving conditions as noted.

Second: by Ms. Francis.

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

Watson Park Coastal Resilience Project Update

Ms. Phelan noted that the project will be wrapping up at the end of June. The information sign for the sea level rise sculpture needs to be sent out for fabrication. She shared her screen with the latest version of the sign. Mr. Pham and Ms. Charles Lis said that it looks great. Ms. Charles Lis asked that Ms. Phelan share it with Mr. Williams and Mr. Parker before sending for printing.

Approval of Minutes May 5, 2022

Tabled

Other Business

Ms. Charles Lis said she would like to include a discussion on Commission reorganization on the July agenda. She needs to step down as Chair and has spoken with Mr. Hayward about his potential interest in taking over the Chair position.

Adjourn

Motion: by Mr. Hayward to adjourn the meeting at 9:05 PM.

Second: by Ms. Francis.

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

*continued from May 5th meeting