

## Department of Planning and Community Development

1 JFK Memorial Dr.  
Braintree, MA 02184  
781 794-8230



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, JUNE 6, 2019, 7PM TOWN HALL- JOHNSON CHAMBERS

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

Absent: Gus Murphy

### Public Hearings

#### Request for Determination of Applicability – 19-71 Shaw St./Musto

Sal Musto from SalCorp Landscaping was present with Ian Brown, Brown Landscaping. Mr. Musto is the contractor for work at Windjammer Cove apartments including demolishing the existing pool and installing a patio and landscaping in its place. The site is located on the Monaticquot River. Mr. Musto said they are also working on the other side of the property where there is a tennis court in disrepair. They are shrinking the court footprint and making it a half-court sports court and creating a small playground and patio area and a dog park.

Staff said it is open to interpretation whether the scope of work rises to the level of redevelopment and triggers the Riverfront Redevelopment Standards. She noted there is a lot of room for improvement, especially in terms of stormwater management for the site.

Ms. Charles Lis noted the issues raised in the staff report including the need for a Stormwater Operation and Maintenance Plan and the opportunity to incorporate native plants in the landscape plan. Mr. Musto said they could put in a drywell but the owner would have to come in and deal with parking lot.

Ms. Francis asked how they would protect the river. Mr. Musto said they would block the weep holes in the wall during construction.

Mr. Weinberg asked about the state of the wall (between the site and the river). Mr. Musto said it is fine.

Ms. Charles Lis asked how far they are excavating and noted the at-grade openings in the wall. Mr. Musto said a few inches for the pavers.

Mr. Weinberg asked about the location of dumpsters and said there needs to be a plan for snow storage, salt use, maintenance of the dog park, etc. Mr. Musto said the dumpsters are further down on the site. Mr. Musto said the owner would have to address the snow issues. He said the dog park was about 195 feet from the river.

Mr. Hayward said he would like to see more native plantings and suggested river birch and alder to add wildlife value. He asked if they were planting up against the wall. Mr. Musto said most of the planting is not against the wall. Mr. Hayward noted that wood chips are not a good surface for dog parks. Mr. Musto said they could use pea stone.

Ms. Charles Lis said work is underway in the court area and the catch basin needs a silt sock. Mr. Musto said they thought they were far enough from the river there and didn't realize until they went to get a permit for the pool demo that they had to go come to the Conservation Commission. Mr. Musto said staff told them about the silt sock as well and they installed it today.

Ms. Charles said she feels as though the project is redevelopment since they are fully disturbing the entire area near the river. She said a Notice of Intent would appropriate in order to address the riverfront standards and to ensure there is a means to provide for long-term oversight such as an O&M Plan and that plantings survive and to ensure that there is no impact within the Bordering Land Subject Flooding. Mr. Hayward and Mr. Weinberg agreed.

Staff noted that they need to file with the Planning Board for a modification of the old Special Permit and a full site plan is needed for that process.

Ms. Charles Lis asked if there was any public comment.

Dan Whyte, owner of 95 Shaw St. said the retaining wall is cracked and an engineer should look at it. He said there is not much on the drawings. The existing building was used an office and an apartment and not as a clubhouse. He wondered about drainage changes damaging the wall. He added that he is not happy about the fire pit location due to potential for late night noise and smoke.

Ms. Charles Lis suggested the applicant could withdraw the RDA and file a Notice of Intent or the Commission could issue a Positive Determination of Applicability requiring the filing of a Notice of Intent for the project. Mr. Musto said either was fine.

Motion by Mr. Weinberg to issue a Positive Determination of Applicability for the work at 19-71 Shaw St. Second by Ms. Francis. Vote: 6-0-0.

### **Request for Determination of Applicability – 20 Bramblewood Lane/Williams**

Bob Crowell, project engineer, was present with John and Sinead Williams. He said they have a grassed yard with no trees. The property drops 12 feet from the street to the rear of the lot. They propose to level off the area and put an in-ground pool in. There is a stockade fence around the property and the wet area is behind the fence. Michele Grenier, wetland scientist, flagged the area as land subject to flooding. The pool and patio will be 11.2' from the wetland and the closest point.

Ms. Charles Lis said the main comment in the staff memo was to determine if the wet area is jurisdictional under the local bylaw. Staff noted that the dominant vegetation is wetland species such as red maple and cinnamon fern. Ms. Charles Lis said she visited the site that afternoon and agreed that the dominant vegetation is wetland vegetation. She said trees had been removed from the area on the abutters' property. She wondered if because the wetland scientist visited the site in April when the herbaceous vegetation may not have been present, that the wetland scientist came to a different conclusion.

Mr. Crowell said it is a small project. He said they would construct the retaining wall, then peel back the soil and bring in gravel before replacing topsoil. He said they are not increasing runoff and they did drainage calculations for the Planning Board. They will grade to hold water in the 170 foot contour. He will add the spot grades showing this to the plan.

Mr. Peter Williams asked about the odd shape of the abutting property. Greg Ranieri, from 127 Cain Ave. said there are actually two vacant lots between his house and 115 Cain. He said he is asking for assistance to deal with the water that flows through his backyard. They need to be able to manage the water. They have spoken with the DPW as well. He asked if the pool would displace ground water. He said his goal is to put an area drain in the back and pipe to the town system.

Mr. John Williams said water from Bramblewood Lane comes onto their property and has flooded their garage. The DPW put a small berm in to prevent this but when the street was repaved it became higher than the berm.

Mr. Peter Williams said there is till soil and bedrock throughout the Highlands part of Braintree which cause drainage problems. He suggested the wall not be built on the property line for maintenance and in case of error.

Ms. Charles Lis said the Commission would not require work on Mr. Ranieri's property as part of this project.

Ms. Charles Lis said she was surprised by the wetland scientist's recommendation to fill the area. That would not be appropriate.

Ms. Charles Lis said the Commission tries to maintain the 25 foot buffer to wetlands and asked about pulling the pool and retaining wall back, noting there would be more room to infiltrate runoff.

Mr. Hayward said he is concerned about the situation. Filling it would create potentially more drainage problems. He asked Mr. Crowell if they had done any soil borings. Mr. Crowell said no, but that they would.

Mr. Peter Williams said the Commission needed to make a determination on the resource area. Mr. Weinberg agreed.

Ms. Francis said she was concerned about putting a pool in the ground in a zone of saturation.

Ms. Sinead Williams said it is not that wet. Ms. Charles Lis said there had been filling on the property in the past, perhaps when the subdivision was built. She asked if the pool would be going into groundwater. Mr. Crowell said they will dig a test hole.

Mr. Hayward said he would like to see more information.

Ms. Charles Lis said the consultant said that the area does not have a preponderance of wetland vegetation but she and staff disagree. Mr. Peter Williams suggested asking the consultant to defend her decision. Staff will meet with her on site and if that does not resolve it she can be asked to attend the July meeting.

Mr. Ranieri asked if there is a middle ground. Ms. Charles Lis said the Commission can't require anything beyond what is in front of them on this property and suggested he work with staff on plantings.

Ms. Charles Lis suggested plan revisions including noting the use of the pea stone, adding spot grades, ideally move the pool out of the 25 foot buffer zone, and submit drainage calculations.

Ed McCormac, from 19 Bramblewood Lane, said they family wouldn't be out in the yard if it was wet and they need the berm back on the street.

Motion by Mr. Weinberg to continue the hearing to the July 11<sup>th</sup> meeting. Second by Ms. Albrecht. Vote: 6-0-0.

## **Request for Determination of Applicability Red Line Right of Way/MBTA**

Chris Torres, track manager for the MBTA, was present with Janice Carey, MBTA and Calvin Layton, the consultant who wrote the Vegetation Management Plan (VMP) and yearly operational plan (YOP).

Ms. Charles Lis noted the staff report. Staff can't access the track without taking a day long training which is not feasible. Ms. Charles Lis asked Mr. Layton to provide information on how the wetland was flagged. Mr. Layton said it was flagged in 2005 for the first Vegetation Management Plan. In 2011 they did a new VMP which expired in 2016. He said treatment had not been done during the last two years. He said they use on chemicals approved by MA Department of Agricultural Resources (DAR) for sensitive sites and treat at rates lower than the label rate. In Limited Spray areas they are limited to treating only once per 12 months. He said the railroad hasn't changed in many years.

Mr. Weinberg said he was familiar with the process and had gone on the right of way several years ago. He said he felt the Commission could issue a negative Determination. He asked if the neighbors had been notified. Mr. Layton said that had been done. Mr. Williams asked how the notification was done. Mr. Layton said it was put in the newspaper.

Ms. Charles Lis said it is unfortunate that staff can't access the track but that she respects the safety considerations and she knows that DAR reviews the VMP and YOP's carefully.

Ms. Charles Lis noted that no members of the public were present.

Mr. Hayward said he had worked with Mr. Layton in other towns and had confidence in him.

Motion by Mr. Weinberg to issue a negative Determination of Applicability for vegetation management on the MBTA's Red Line Right of Way. Second by Ms. Albrecht. Vote: 6-0-0.

## **Other Business**

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

Staff noted that a revised landscaping plan had been received but the applicant's representative requested to be on the July agenda to present it due to a conflict.

Ms. Charles Lis noted that she was disappointed with the Landscaping Plan and the fact that the utility boxes had been installed. She asked staff to ask them to revisit the plan to include more planting east of the Ilex plants.

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

Staff noted that the as-built plan and restoration monitoring report had been received. She will set up a site visit with the Chair and anyone else who is interested.

**Update on 205 Elm St. Planting Plan/Clements**

Staff expected Mr. Clements to attend. She will reschedule this for the July meeting.

**Discussion on Compliance with Tree Policy 50 Christina Dr./Chaplain**

Mr. Chaplain requested this be schedule on the July agenda.

**Request for Certificate of Compliance 8-647 80 Jensen Farm Rd./LF Properties, LLC**

Staff recommends issuing the Certificate of Compliance for this project. There are no surviving conditions.

Motion by Mr. Weinberg to issue the Certificate of Compliance. Second by Ms. Francis. Vote: 6-0-0.

**Update Wetland Rules and Regulations**

Staff noted that the Stormwater Division regulations are finalized.

Ms. Charles Lis would like to add language to strengthen buffer zone protection. Also, a policy to clarify that the no-disturb buffer applies to single-family homes. She said the Wetland Bylaw presumes the buffer zone is important which lays the groundwork for these changes.

**Conservation Fund**

Staff prepared a memo on the Conservation Fund and suggested the Commission consider what projects they may need or wish to fund over the next four years. Staff also noted that funding for the Eaton's Pond Ranger was included in the FY20 budget. Ms. Charles Lis will speak with Mayor Sullivan about transferring the Town Forest to the care and custody of the Commission.

The Commission will continue to give some thought to this and make a decision by September or October at the latest.

**Other**

None

**Approval of Minutes – May 2, 2019**

Motion by Mr. Weinberg to approve the May 6 minutes. Second by Mr. Hayward. Vote: 5-0-1 with Ms. Francis abstaining.

**Adjourn**

Motion by Mr. Weinberg to adjourn the meeting at 9:15 PM. Second by Ms. Albrecht. Vote: 6-0-0.