



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 JULY 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 the state of emergency allowing for remote meetings is due to expire on July 15th. She said there are legislative efforts underway to further extend it, but for now, the Commission should plan to meet in person in August.

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 they had responded to the DEP comments at the last meeting but it had been too late to allow for issuing a decision that night. Ms. Phelan said that she had contacted staff at DEP to confirm that they had no outstanding issues but they did not respond.

Ms. Phelan noted that Mr. Parker and Mr. Williams had both missed the June meeting and they both listened to the recording of the meeting. The "Mullin Rule" allows for board members who have missed a hearing to participate in a continued public hearing if they review an audio or video recording of the hearing or review an official transcript of the hearing. Only one member per hearing may invoke the "Mullin Rule". Since Mr. Williams is not expected to present in August, she suggested that Mr. Williams participate in this hearing and Mr. Parker participate in the Banner Park hearing.

Ms. Charles Lis asked for public comment. Elizabeth Maglio (District 3 Councilor) asked for a brief recap of what was proposed. Mr. Pepin said the existing seawall is deteriorated; they propose to place rip rap in front of it to stabilize it and to diffuse wave energy with a sloped structure.

Councilor Maglio said that after the last meeting, she did outreach about the dangers in this area. She noted a report on climate change impacts from the Greater Boston Advisory Research Group. She asked if the project is taking climate change impacts into account. Mr. Pepin said that increasing the height of the seawall would not provide a benefit because other areas of the site are lower. Ms. Maglio asked about potential impacts to the tanks. Mr. Pepin said the tanks are all above ground. They are isolated containment tanks further in shore.

Ms. Charles Lis said that in her opinion, the Commission has enough information to make a decision.

Ms. Phelan summarized the draft conditions, which include a Time of Year Restriction recommend by Division of Marine Fisheries.

Motion: by Mr. Hayward to issue the Order of Conditions as drafted for DEP File #8-710.

Second: by Ms. Francis.

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

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

Second: by Ms. Francis.

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

Notice of Intent DEP File # 8- 711 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. Skulte said the plan revisions are still in progress and they should be submitted next week. They did a site walk on June 14th with staff from both Braintree and Weymouth Conservation to look at the ephemeral ponding area. They are also working on the MEPA filing. He summarized the changes that they are finalizing. He shared his screen to show the approximately 40-acres of open space which will be protected as part of the project. He also showed a trail head area and dog park area with parking. He said they will work with the Town on the details of this. They have reconfigured the layout of Building A and revised the stormwater management system to eliminate a surface basin as this will require less disturbance. They have removed 10,000 square feet of Building B and pulled parking and loading areas in by 30-40 feet.

Ms. Phelan said that she was very happy to see the protection of the 40 acres. Mr. Hayward and Ms. Charles Lis agreed. Mr. Parker asked for clarification of how the land would be protected; would it be a Conservation Restriction? Mr. Skulte said they are trying to resolve that and are working with the Town on the mechanism to protect the land. Ms. Charles Lis said that if it is a Conservation Restriction it should specify that public access is allowed. Mr. MacDonald said they are working on the mechanism to do it the right way. They are also working with the New England Wildlife Center to utilize their expertise with trail development and to connect to the regional trail network.

Mr. Pham said he also agrees with preserving the land. He said the Stormwater O&M Plan will be important to maintain the effectiveness of system since it is underground. Mr. Skulte said they have an O&M Plan and will address the peer review comments regarding the O&M. He said the owner will set aside a budget for maintenance. Ms. Charles Lis noted that she had asked for some edits to the O&M and these were captured in the June minutes. She asked if Low Impact Development practices had been considered. Mr. Skulte said they are proposing a bioretention basin. He said they looked at rainwater harvesting for irrigation but it is challenging to manage. They also looked at blue or green roofs but potential tenants may need space for infrastructure on the roof.

Mr. Pham said the site includes Outstanding Resource Waters which have a higher treatment standard. Mr. Skulte said they are treating for the one-inch stormwater volume and have provided additional pretreatment. He said they are also treating to the higher standard for Land Use with Higher Potential Pollutant Loads (LUHPPL). Mr. Pham suggested the water quality units have a valve or plug to prevent flow to the infiltration chambers in the event of a spill or discharge. Ms. Charles Lis said LUHPPLs are required to have an oil/grit separator. Mr. Skulte said they will take that under advisement.

Mr. Parker asked if there were changes to the buffer zone enhancement area outside of Building B. Mr. Tunison said they are analyzing this now to see if they can put more plantings in but it is already dense.

Ms. Charles Lis noted that Mary Ellen Schloss, Conservation Administrator for Weymouth, submitted a letter dated July 6th. Ms. Schloss said the letter on July 6th requests that adequate time is given for Weymouth to review the pending revised plans and to determine compliance with the stormwater standards and the potential impacts on the vernal pools. The vernal pools have been flagged but the flagging has not yet been shown on the plans. She also noted that the wetlands discharge to the Outstanding Resource Waters and shut-off valves should be required. Ms. Charles Lis said the comments are reasonable and she would like to see the project team consider them.

Ms. Charles Lis asked for public comment. She noted that there were comments typed in the chat section asking about dog waste and leash laws. Mr. Skulte said the dog park design is in its infancy. There was also a comment in the chat about capping wells. Mr. Skulte said there is one irrigation well which will be decommissioned and removed. They will propose new irrigation wells. There was a question in the chat asking who is responsible for implementing the stormwater O&M Plan. Ms. Charles Lis said the owner is responsible and there is a standard condition which allows the Commission to request records of the maintenance.

Deanna Murphy from Tommy Marks Way asked if Natural Heritage and Endangered Species had surveyed the property for endangered species. Ms. Phelan said the property was not mapped as potential rare species habitat by Natural Heritage so there was not requirement to survey for rare species. Ms. Murphy also asked if redirecting stormwater at Building B would direct more toward the vernal pool. Ms. Charles Lis asked the project team to consider that as they do revisions.

Motion: by Mr. Hayward to continue the hearing to the August 4th meeting.

Second: by Ms. Francis.

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

Notice of Intent DEP File # 8- 712 Smith Beach/Town of Braintree

Chris Trudel, Engineering Manager for the Braintree DPW was present with Ben Hulke, Assistant DPW Director.

Ms. Charles Lis noted the comment on the file number issuance letter from MA DEP. The comment was that the coastal area impacts should be provided and that Mr. Trudel had provided them early today. Mr. Trudel said he will send them to DEP.

Mr. Trudel said the project is maintenance of the area and includes removal of the deteriorated geofabric and adding 1 to 2 inches of surficial sand. He said they will sample the existing sand and import matching material. They also propose to fill in the voids behind the retaining wall with stone and soil and to plant five replacement trees in the planting area.

Ms. Charles Lis asked for clarification of the resource areas. Ms. Phelan said the retaining wall was coastal bank but that the wall had not been shown on the plan; just the coastal bank delineation line. Ms. Charles Lis said the bank is both a vertical buffer and a sediment source which should be included in the findings. She asked if more

plantings could be included in the planting strip, in addition to the five trees. Mr. Hulke said they can look into that but noted that people like the open view to the water.

Ms. Charles Lis asked if there would be stockpiling of materials on the site. Mr. Hulke said material would be brought in as needed and if anything was stockpiled it would be only for a day or two.

Ms. Charles Lis asked for public comment.

Dave Oliva asked if the project would mitigate flooding. Mr. Trudel said it is just a maintenance project but the parking lot retrofit project across the street has a lot of flood mitigation components. Mr. Oliva asked what trees would be planted. Ms. Charles Lis said the draft conditions include a condition for salt tolerant species to be planted. She suggested adding language to give the Commission or staff ability to review the chosen species.

Ms. Charles Lis suggested adding language to that there is no finding as to the exact boundary of Coastal Bank, Coastal Beach, Land Subject to Coastal Storm Flowage or Riverfront Area. Mr. Williams said the plans are a good approximation of the resource areas.

Ms. Charles Lis suggested revising the condition regarding planting to say that 30 replacement (native, salt tolerant) shrubs be planted behind the boulder wall and shrubs and trees shall be approved in advance by the Commission. She also suggested adding a condition that work be done at low-tide. Mr. Williams suggested that work be done in the dry rather than specifying at low tide. He also suggested adding a condition to say that work on retaining wall be done from the landward side.

Councilor Maglio asked in the chat about the length of time the work will take and when it will begin. Mr. Hulke said it would begin in a few weeks and would take about a week to complete.

Motion: by Mr. Hayward to issue the Order of Conditions as drafted and amended for DEP File #8-712.

Second: by Ms. Francis.

Vote: In favor: 6 (Charles Lis, Francis, Hayward, Parker, Pham, Williams), Opposed: 0, Abstained: 0.

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

Second: by Ms. Francis.

Vote: In favor: 6 (Charles Lis, Francis, Hayward, Parker, Pham, Williams), Opposed: 0, Abstained: 0.

Request to Amend Order of Conditions DEP File# 8-685 Hancock and Plain St./Town of Braintree

Andie Greene, project engineer with SLR Consulting was present on behalf of the applicant. Mr. Greene said the project is the Armstrong Dam and Ames Pond Dam removal and river restoration through the former impoundment. The 401 Water Quality Certification was appealed and as part of the adjudication process they made changes to the Sediment Management Plan. Originally, they were going to manage 4500 cubic yards of sediment by removing 3000 cubic yards and reusing and capping 1500 cubic yards. Now they propose to remove the full 4500 cubic yards as well as additional 2300 cubic yards from three lobes as shown on the exhibit. The restoration plan is the same, with seeding and planting of vegetation. All of the area is within Land Under Water and was included as impact (conversion to Bordering Vegetated Wetland) in the original Notice of Intent.

Ms. Charles Lis asked for public comment.

Councilor Boericke said the project is in her district and she fully supports it. She asked if this was the final step. Mr. Greene said they are modifying several permits including the 404 permit and the 401 Water Quality Certification. Ms. Phelan said they will need to do additional fundraising as well.

Mr. Pham asked about dewatering and testing the sediment. Mr. Greene said the project will bypass flow around the impoundment to dewater sediment before moving it into piles for further dewatering. They can't relocate wet sediment. He said DEP requires testing before it goes to a landfill.

Motion: by Mr. Hayward to issue the Amended Order of Conditions for DEP File #8-685.

Second: by Ms. Francis.

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

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

Second: by Ms. Francis.

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

OTHER BUSINESS

Emergency Certification St. Claire St. Sewer Surcharge Remediation

Ms. Phelan said there was a sewer line blockage at Devon Woods which caused the sewer to surcharge in the woods and wetlands behind St. Claire St. She issued an Emergency Certification to allow the DPW to spread lime to neutralize the sewage.

Motion: by Mr. Hayward to ratify the Emergency Certification for the sewer surcharge behind St. Claire St.

Second: by Ms. Francis.

Vote: In favor: 6 (Charles Lis, Francis, Hayward, Parker, Pham, Williams), Opposed: 0, Abstained: 0.

Request for Certificate of Compliance 8-646 70 Jensen Farm Rd

Ms. Phelan recommending issuing the Certificate of Compliance. She noted that the project was outside of the 100 foot buffer zone.

Motion: by Mr. Hayward to issue the Certificate of Compliance for 8-646

Second: by Ms. Francis.

Vote: In favor: 6 (Charles Lis, Francis, Hayward, Parker, Pham, Williams), Opposed: 0, Abstained: 0.

Release As-Built Guarantee for 62 Park Ave. RDA

Ms. Phelan recommended releasing the as-built guarantee as the project has been completed per the plans and conditions.

Motion: by Mr. Hayward to issue the Certificate of Compliance for 8-646.

Second: by Ms. Francis.

Vote: In favor: 6 (Charles Lis, Francis, Hayward, Parker, Pham, Williams), Opposed: 0, Abstained: 0.

Watson Park Project Update

Ms. Phelan said that the project is largely complete and that there will be a walk through event on Tuesday, August 16, 2022 at 6pm.

Commission Reorganization

Ms. Charles Lis noted that she would like to step down from the Chair position and give other members an opportunity to be Chair. She nominated Mr. Hayward as Chair. Mr. Hayward said he accepted the nomination.

Motion: by Mr. Pham to approve Mr. Hayward as Chair.

Second: by Ms. Francis.

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

Mr. Hayward said he would like to nominate Mr. Williams as Vice Chair. Mr. Williams said he needed to think about it.

Approval of Minutes May 5, 2022 and June 2, 2022

May Minutes – Tabled

Motion: by Mr. Hayward to approve the June 2, 2022 minutes.

Second: by Ms. Francis.

Vote: In favor: 6 (Charles Lis, Francis, Hayward, Parker, Pham, Williams), Opposed: 0, Abstained: 0.

Adjourn

Motion: by Mr. Hayward to adjourn the meeting at 9:52 PM.

Second: by Ms. Francis.

Vote: In favor: 6 (Charles Lis, Francis, Hayward, Parker, Pham, Williams), Opposed: 0, Abstained: 0.

*continued from June 7th meeting