



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

Christopher Hayward, Chair
Heather Charles Lis, Members
Diane Francis, Member
Giles Parker, Member
Hung Pham, Member
Peter Williams, Member

CONSERVATION COMMISSION MINUTES SEPTEMBER 1, 2022 MEETING (7PM) JOHNSON CHAMBERS

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

Absent: none

PUBLIC HEARINGS

Request for Determination of Applicability 243 Hancock St./Luu

Mr. Truong was present with Ms. Luu. Mr. Truong said they have small children and would like to install a fence for safety. Mr. Hayward said he visited the site and there is a wetland right next to the driveway. He understands they recently brought gravel in to extend the driveway. Ms. Charles Lis said she also visited the site. She said the site is entirely in the floodplain. She said a fence should have a gap at the bottom to allow floodwaters to flow through. She also saw where the gravel had been added. Mr. Hayward said gravel should be lowered in elevation and pulled back. Mr. Williams said measurements are needed to move forward. Ms. Charles Lis suggested staking the proposed fence location and noted that it should not be within 25 feet of the wetland. Mr. Truong said they would probably not move forward with the fence. Ms. Phelan clarified that the 25-foot area in question was at the back of the property, not the side by the driveway.

Mr. Hayward asked for public comment. Kathleen Trainor from 1250 Washington St. said she is concerned about the fill and displacement of floodwaters. She said several truck loads of fill were brought in. Ms. Phelan said it was her understanding that it was gravel that was brought in. Mr. Pham suggested the property be surveyed and the material moved away from the wetland and floodplain. Ms. Phelan said the entire property is in the floodplain. Mr. Hayward requested that Ms. Phelan work with Mr. Truong to confirm measurements and develop a plan to remove gravel to meet the existing grade and confirm the fence location.

Motion: by Ms. Charles Lis to continue the hearing to October 6th.

Second: by Ms. Francis.

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

APPROVED

Notice of Intent DEP File # 8- 711 Columbian St./Banner Park LLC*

Carlis Skulte, project engineer, was present with Garrett Tunison, project wetland scientist and Chris Broderick from Column Capital Realty. Deb Keller, peer review engineer from Merrill Engineers and Consulting was also present.

Mr. Skulte said they have updated the plans and information to address all the peer review comments and the Planning Board approved the project at their last meeting. He said there are two buildings totalling 270,000 sq. ft. They also updated the information on the area to be preserved, which is approximately 40 acres. They will work with the New England Wildlife Center and other stakeholders to design the trails. He said the Tricon project which was approved for the site in the late 1980s had a significantly larger impact of 750,000 sq. ft. of building space and 6000 vehicle trips. He said conceptual location for the dog park is along the access drive and it could also serve as trailhead parking.

Mr. Skulte said that Mr. Tunison flagged the vernal pool boundaries and they added the flags to the plan set. The vernal pools are on New England Wildlife Center property and the development is more than 100 feet from the vernal pools.

Mr. Skulte reviewed the plan revisions which have been made. They reduced the amount of paving along the border with Weymouth. They reduced Building B footage by 10,000 sq. ft. They relocated the loading docks. They eliminated the open basin along the access drive and added additional stormwater recharge under the parking lot. They added a 15-foot-high fence for screening and noise mitigation. Conducted additional test pits and reconfigured the drainage based on the results. They analyzed the water budget to the vernal pool from both surface water and groundwater and it exceeds current recharge to the vernal pool. They incorporated shut-off valves for the drainage system prior to the infiltration system and upsized the proprietary BMPs. They also added landscaping on the easterly side of the fence, updated the tree impact analysis and buffer zone restoration and enhancement areas.

Mr. Pham asked if valve “exercising” had been included in the O&M Plan. Mr. Skulte said that it had been included.

Ms. Charles Lis said she was happy to see the identification of the open space to be protected.

Mr. Hayward said that all of the comments of the peer reviewers for both Braintree and Weymouth had been addressed. He said he appreciated the applicants’ willingness to work with the Town to address all of the comments and protect the 40 acres.

Mr. Hayward asked for public comment.

Jeremiah Murphy from Tommy Marks Way said that at the site walk the Commission members had commented on how healthy the forest is. He said trees were knocked down to conduct the test pits and wondered if members had gone back out to see that. He also read the mission statement from the Commission’s website and asked members to keep the protection of wetlands in mind.

Carol Murphy from Tommy Marks Way asked if the trails would be going through the buffer zone behind the houses on Tommy Marks Way. Mr. Skulte said the trail system hasn’t been designed yet but they will work with the New England Wildlife Center and the Town and stakeholders on the design. Ms. Murphy added that the Planning Board had encouraged the developer to meet with the neighbors but that hasn’t happened. She said she has safety concerns about people walking through the backyard and hopes that is taken into consideration. Mr.

Hayward noted that the draft conditions include a condition that the trail system will have to come back before the Commission as either an amendment to the existing Notice of Intent or as a new Notice of Intent.

Jim LeBarron from Massapoag St. in Weymouth said there is housing construction nearby and he sees how much disturbance that involves. The scope of that project is dwarfed by this project. He asked if the area will be protected from leveling the earth. Mr. Skulte said the limit of disturbance will be staked out and erosion control will be installed. The contractor won't be able to work outside of that area. They are also required to develop a Stormwater Pollution Prevention Plan (SWPP) by the EPA which will have additional detail on construction period erosion and sedimentation control. They will provide a copy of that to the Town.

Mr. Murphy asked if the site was a no-salt zone. Ms. Phelan said there a condition (#36) that the O&M be amended to prohibit sodium chloride but allow calcium chloride. Ms. Charles Lis said the condition should be amended to say "no-phosphorus" fertilize instead of "low-phosphorus".

Ms. Charles Lis also suggested amending condition #49 to add to the last sentence after "and such" the following language "permanent protections for conservation purposes". This change was accepted.

Mr. Williams asked how many parking spaces the dog park would have. Mr. Skulte said about 22 but that the layout is preliminary.

Mr. Hayward said the protection of 40 acres of open space was very significant and thanked the applicant for that. Ms. Charles Lis agreed, noting that the 40-acres abuts several other open space areas. Mr. Parker said the permanent protection of the land was critical.

Motion: by Mr. Parker to issue the Order of Conditions as amended for DEP File #8-711.

Second: by Ms. Francis.

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

Motion: by Mr. Parker to close the public hearing for DEP File #8-711.

Second: by Ms. Francis.

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

Notice of Intent DEP File # 8-713 131A Pond St./Farina

Chi Man, project engineer from Hardy Man Design Group was present. Mr. and Ms. Farina were also present. Mr. Man said that the lot abuts Sunset Lake and the steep slope down to the lake is eroding. They propose to construct a series of retaining walls to stabilize the slope. They also propose plantings at the base of the lowest retaining wall and within the bed created at the lowest wall. Mr. Man said they received the draft conditions and have no issue with them.

Mr. Parker asked for clarification on the plantings proposed. Mr. Man said they proposed 5 junipers, 10 black cohosh and 3 black huckleberry.

Mr. Hayward said it is a good project as it will prevent erosion to the lake and he is happy to see they are adding vegetation.

Ms. Charles Lis asked if the planting legend had been clarified. Ms. Phelan said that it had been clarified. Ms. Charles Lis said the legend included only the common plant name, not the scientific name. She said no cultivars or non-native plants should be used.

Mr. Hayward asked for public comment. There was none.

Motion: by Mr. Williams to issue the Order of Conditions for DEP File #8-713 with plans dated August 30, 2022.

Second: by Mr. Pham.

Vote:

Motion: by Ms. Francis to close the public hearing for DEP File #8-713.

Second: by Mr. Pham.

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

Notice of Intent DEP File #714 73 and 85 Kelley Dr., 0 Graziano Dr./Lin

Patrick Magoon from Decelle-Burke-Sala & Associates was present on behalf of the applicant. He said that the applicant owns 73 Kelley Drive. It is a single-family house with utilities, driveway, walkways, patio, shed, etc. and the shed is partially within the 25-foot buffer zone. The applicant intends to purchase two adjacent vacant lots (85 Kelley Dr. and 0 Graziano Dr.) and to construct a garage. The properties include Bordering Vegetated Wetland and Bordering Land Subject to Flooding (elevation 104.3 NAVD 88). They don't propose any work in the floodplain or wetland.

Mr. Magoon said they will place straw wattle at the Limit of Work, removed pavement and the shed, construct a 1158 square foot garage with a second floor for a family room. He said they will be out of the 25-foot buffer zone. The additional impervious area is roof and they propose cultecs for recharge. He addressed the questions from Ms. Phelan's staff report. 1.) They do not know what the concrete cover is which was noted on the plans but it is within the footprint of the proposed garage so they will need to determine what it is. 2.) They did not do test pits for the recharge but understand the concern about groundwater. They can raise the height by using shallower cultecs. 3.) They are open to mitigation plantings and removing yard waste.

Mr. Williams asked if the owner of 85 Kelley Dr. and 0 Graziano Dr. had signed the application. Mr. Magoon said he did not know. Ms. Charles Lis said they should provide a letter.

Mr. Parker said the proposed work was right at the 25-foot buffer. Mr. Hayward said there is precedent for that. Ms. Charles Lis asked Mr. Magoon if there was an opportunity to move further back. Mr. Magoon said they will discuss with the client.

Ms. Charles Lis suggested that trenches could be used for infiltration if groundwater is too high for subsurface structures.

Mr. Pham said that the stormwater report was a regurgitation of the stormwater standards. Mr. Magoon said there is no requirement for a stormwater report since single-family houses are exempt from the standards. They ran the hydrocad model just to show the decrease in runoff.

Mr. Williams said they don't have to meet the stormwater standards as a single-family house. If the infiltration system is in high groundwater, it will infiltrate in dry conditions only. Ms. Charles Lis said that was less problematic because it would just be clean roof runoff. Mr. Hayward asked how old the house is and wondered if there may already be infiltration system. Mr. Magoon said they will look into it.

Mr. Williams asked if the members could make a site visit. Mr. Magoon said he will confirm with the applicant.

Mr. Hayward asked for public comment.

Henry Son from Graziano Drive said he has lived on the street for 42 years. They stripped topsoil from this area when it was being constructed. His cellar used to flood in rainstorms. The houses which were built later were built on small hills. He is concerned about water problems.

Ed Rizzo, also from Graziano Drive, said that 73 Kelley Dr. does not have a cellar because it is all ledge. He knows the builder of the house.

Mr. Son asked why they are buying the lots with the wetland. Mr. Magoon said they need to the area to comply with zoning regulations. Mr. Son said 45-50 deer come out the area every morning. He is concerned that the building will encroach on their habitat. Mr. Hayward said the deer live around us now and adapt.

Motion: by Mr. Williams to continue the hearing to October 6th.

Second: by Ms. Francis.

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

OTHER BUSINESS

Commission Reorganization (Vice Chair)

Mr. Williams is considering this. He will decide by the next meeting

Watson Park Climate Sculpture

Ms. Phelan said there was a shortfall of \$172 for the sea level rise sculpture. She asked the Commission to fund this shortfall from the conservation fund.

Motion: by Mr. Williams to fund the \$172 shortfall for the sea level rise sculpture from the conservation fund.

Second: by Ms. Charles Lis.

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

Middle St. Trail Update

Ms. Phelan said that the bids for Middle St. trail construction came back significantly higher than budgeted. She plans to apply for additional Community Preservation funding to bridge this gap. In order to move forward with the contract now and avoid the expense and time of rebidding the project, she asked the Commission to fund the shortfall from the conservation fund. If the application to Community Preservation fund is successful, the conservation fund will not be used. She added that \$33,000 of grant funds will expire in December as another reason to try and move forward with construction this fall.

Members discussed the possibility of changes to the project to reduce the cost, but changes to the scope of work would require the project to be rebid. Ms. Charles Lis said it was uncertain what the future might bring and the cost could continue to rise. She said she supported the request. Mr. Parker and Mr. Williams said they agreed.

Motion: by Mr. Williams to fund up to \$300,000 of the Middle St. Trail construction cost from the conservation fund.

Second: by Ms. Francis.

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

Staff or Commission Updates

Ms. Charles Lis asked Ms. Phelan about sand placement in the wetland adjacent to Sunset Lake. Ms. Phelan said that the sand had been placed by the DPW and was recently removed.

Approval of Minutes May 5, 2022 and July 7, 2022

Mr. Parker noted two typo corrections to be made to the May 5th minutes.

Motion: by Mr. Williams to approve the May 5, 2022 minutes as amended.

Second: by Ms. Francis.

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

Motion: by Mr. Williams to approve the July 7 2022 minutes.

Second: by Ms. Francis.

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

Adjourn

Motion: by Ms. Charles Lis to adjourn at 9:45 PM.

Second: by Mr. Pham.

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

*continued from July 7th meeting