



**Mayor  
Charles C. Kokoros**

**Department of Planning and Community Development**

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**CONSERVATION COMMISSION**

Heather Charles Lis, Chair  
Christopher Hayward, Vice Chair  
Joyce Albrecht, Member  
Diane Francis, Member  
Hung Pham, Member  
Peter Williams, Member

**APPROVED**

**CONSERVATION COMMISSION MINUTES  
SEPTEMBER 2, 2021 MEETING (7PM)  
REMOTE MEETING VIA ZOOM**

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

Absent: Joyce Albrecht,

Ms. Charles Lis opened the meeting and noted the MA COVID – 19 State of Emergency and 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.

Ms. Charles Lis also welcomed Hung Pham as a new member of the Commission.

**PUBLIC HEARINGS**

**Notice of Intent DEP File # 8-692 255 Plain St. (Cemetery)/Town of Braintree\* (requested continuation to October 7th meeting)**

Ms. Charles Lis noted that the applicant had requested a continuation to the October meeting. Ms. Phelan said that the applicant is optimistic that they will have a revised plan to present at the October meeting.

**Request for Determination of Applicability 92 Geraldine Lane/White**

David White was present. Mr. White said he had the wetland flagged and the surveyor was coming back to pick up the wetland flags. Ms. Phelan noted that the wetland layer from MA GIS was not displaying accurately on Mr. White’s plan, thus the need to have the wetland flagged and picked up by survey.

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

Motion: by Ms. Charles Lis to continue the hearing to the October 7<sup>th</sup> meeting.

Second: by Mr. Hayward.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

## **Request for Determination of Applicability 83 Plain St./Arnstein**

John Arnstein was present. He said that he turned weeds over in the back of his yard and knocked down knotweed. He said he did not bring any fill in. He seeded the area with grass and made the area behind the shed gravel. Ms. Phelan said the work was about 65 feet from the wetland and given the scope, it could be approved without a plan. Ms. Charles Lis said it sounds like it would have been approved by the Commission and that given the scope of work, a site plan was not necessary.

Ms. Phelan recommended issuing a negative Determination of Applicability with a condition that any additional work in the 100-foot buffer zone is subject to review and approval by the Conservation Commission. Mr. Arnstein said he would like to control the Japanese knotweed. Ms. Charles Lis said that would likely require Commission approval. Mr. Arnstein will discuss further with Ms. Phelan.

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

Motion: by Ms. Charles Lis to issue a negative Determination of Applicability with a condition that additional work is subject to review and approval by the Commission.

Second: by Mr. Hayward.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

Motion: by Ms. Charles Lis close the public hearing.

Second: by Mr. Hayward.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

## **Notice of Intent DEP File # 8-695 42 Hayward St./Lu\***

Ms. Charles Lis said that she had missed the August meeting but had listened to the recording. She noted that Mr. Pham was not yet a member in August so would not be eligible to vote.

Shawn Hardy, engineer from Hardy + Man Design Group, was present. Mr. Hardy said that he was filling in for Mr. Man, who was on vacation. Mr. Hardy said that, as requested by the Commission, they are pulling back the fill to the edge of the 25-foot buffer and will create a 3:1 side slope for the driveway. The driveway will be turf stone pavers. They also propose rain barrels for roof runoff. Mr. Hardy noted the draft conditions prepared by staff included a condition for all runoff to be directed to infiltration chambers. He said that was not what they understood as the direction from the Planning Board. There would need to be significant work under the driveway and decks to install these chambers.

Mr. Hayward thanked Mr. Hardy for removing the fill from the 25-foot buffer. He said he was comfortable with rain barrels since it is an existing house with no new roof area proposed. Mr. Williams asked if there was an increase in impervious area. Mr. Hardy said the zoning table shows that there is because the deck and patio are counted as lot coverage under zoning. Mr. Williams suggested continuing the proposed pipe to the east of the house up to the deck area. Ms. Charles Lis suggested gravel under the deck. Ms. Phelan suggested changing the condition in question to require drywells for roof runoff "unless otherwise required by the Planning Board", noting that Planning staff was quite certain that drywells were the intention of the Planning Board. Ms. Charles Lis felt that the Commission would not typically require this since no new roof area was proposed. She said she was comfortable with mitigation for the deck and patio. Members discussed Mr. Williams proposal to extend the pipe and swale up to the deck. Mr. Hardy said the pipe and swale were intended to intercept runoff coming down the hill to the east.

Ms. Charles Lis proposed replacing condition #31 with a condition to extend the proposed swale to the north, along the eastern side of the deck and patio and to add 3 inches of crushed stone at grade below the proposed deck. She also proposed adding a condition for a revised planting plan prior to construction to incorporate 20 shrubs of at least 2 different native species (no cultivars). She clarified that the intention is to substitute for half of the proposed plantings. She also suggested adding a condition that the buried 12-inch pipe be uncovered and stabilized with 90 days of the issuance of the Order of Conditions due to concern about changing hydrology if this is not done soon.

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

Motion: by Ms. Charles Lis to issue the Order of Conditions as drafted and amended.

Second: by Mr. Hayward.

Vote: In favor: 4 (Charles Lis, Hayward, Francis, Williams), Opposed: 0, Abstained: 1 (Pham).

Motion: by Ms. Charles Lis close the public hearing.

Second: by Mr. Hayward.

Vote: In favor: 4 (Charles Lis, Hayward, Francis, Williams), Opposed: 0, Abstained: 1 (Pham).

### **Notice of Intent DEP File pending 66 Armstrong Circle/Lynch\***

Ms. Charles Lis said that she had missed the August meeting but had listened to the recording. She noted that Mr. Pham was not yet a member in August so would not be eligible to vote.

Gigi Munden, project engineer with Munden Engineering was present to represent Paula Lynch. Ms. Munden said they made changes to keep work out of the 25-foot buffer zone and they provided a planting plan. She said the DEP file number has not yet been received. She said the site was entirely in the Riverfront Area. The floodplain is at elevation 106 and propose to move the 106 contour to the base of the new retaining wall. They also propose a small addition and a new patio out of the floodplain. Mr. Hayward thanked Ms. Munden for removing work from the 25-foot buffer zone.

Ms. Charles Lis asked about the Riverfront standards. Ms. Munden said they provided a letter to Andrew Poyant at DEP which addressed the standards and the buffer zone plantings as mitigation. Ms. Charles Lis said it was helpful to have the planting plan for the inner riparian and noted it was at a 2:1 ratio. She asked that the note be changed to mulch around individual plants but seed the rest of the area with a wildlife seed mix to avoid a mulched landscape bed.

Ms. Charles Lis asked about roof runoff. Ms. Munden said nothing was proposed. Ms. Phelan said she included a draft condition that the proposed patio be porous. Ms. Munden said she her client was not sure how she would take care of the porous patio pavers. She will speak with her client and propose other mitigation.

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

Motion: by Ms. Charles Lis to continue the hearing to the October 7<sup>th</sup> meeting.

Second: by Mr. Hayward.

Vote: In favor: 4 (Charles Lis, Hayward, Francis, Williams), Opposed: 0, Abstained: 1 (Pham).

### **Notice of Intent DEP File pending 4 and 44 Allen St./Arch Communities, LLC**

Devin Batchelder, PWS was present with Attorney Frank Marinelli as well as Jesse Johnson, PE.

Attorney Marinelli said he was representing Winn Properties/Arch Communities, LLC in the redevelopment of the site. The site is the 1.6-acre former Braintree Electric Light Department. They propose 56 residential units to be

known as Switchhouse Lofts. They propose to renovate the existing switch house building and construct a new residential four-story building. They also propose a 600-linear foot river walkway which will be open to the public. Attorney Marinelli said the project will produce tax-revenue, housing and support the revitalized Landing district.

Devin Batchelder said the current use of the site is Town storage and staging area. The project has six major elements: reconfiguration of the driveway, demolition of the screen house, pipe shop and administration building, renovation of the switch house and construction of the new building, development of the River Walk, repair of the retaining walls and construction of stormwater infrastructure. Resource Areas on site include Riverfront Area, Land Subject to Coastal Storm Flowage, Salt Marsh, Coastal Beach and Coastal Bank.

Jesse Johnson said they had received comments from Ms. Phelan and the peer review engineer. They will prepare a formal response, but in the meantime can provide their initial thoughts. Mr. Johnson addressed Ms. Phelan's memo comments. The westerly side bank is not well-stabilized and has more than a 1:1 slope which is why they propose the sheetpile wall. They will talk with the landscape architect to see if a substitute for lawn could be used which would allow for a congregation area. They are looking at the sewer surcharge issue with the Public Works Department. They will address the tree protection standards. They considered re-using the existing pipes but they don't know where they go and there are no check valves so they prefer new piping. As far as roof runoff, there are restrictions on infiltrating in fill and there is groundwater 6 feet below grade as well as areas of ledge. Regarding TSS removal, the units were tested out of state and the data is conservative. They will revisit this and look at treating more volume. They have no objection to adding an herbicide and pesticide restriction to the Operation and Maintenance Plan and they are willing to grant an easement or restriction over the walkway and will prepare an Exhibit to that effect.

Mr. Pham asked about the check valve at drain manhole #5. He said it could be eroded by salt water and asked if they considered something mechanical instead. Mr. Johnson said they have used this type of valve in similar settings. They will provide a detail to alleviate concern. Mr. Pham also said that the hydrodynamic separator should be inspected and maintained more than three times a year. Mr. Johnson said they can update the Operation and Maintenance Plan to require quarterly inspection and cleaning.

Ms. Charles Lis said she was happy to hear they are taking a look at the TSS removal. She said it would be ideal to get to 80%. She also asked about opportunities for Low Impact Development with small stormwater BMPs and the possibility of removing fill and bringing in suitable material. Mr. Johnson said this site had a spill and has been deemed clean but it is not advisable to dig up and excavate material. They considered depressed landscape islands but because of the proximity to the seawall they are concerned about hydrostatic pressure. They have proposed reducing impervious area and reduce the rate and volume by 15%. They will try to get to 80% TSS removal.

Ms. Charles Lis said it was nice to see the native plant palette for landscaping. She asked if there was opportunity to have low, dense vegetation between the walkway and the river. She also noted the opportunity for educational signage along the walkway.

Mr. Pham asked about the possibility of using porous pavement. Mr. Johnson said there would be an issue with taking 2 feet of material out given the high groundwater, ledge and the fill. He said soil borings are shown on the existing conditions plan. Mr. Pham also noted a typo on the invert for the oil separator unit. Mr. Pham said he did not recommend sanding for snow and ice in this environment. Ms. Phelan said the Commission usually prohibited sodium chloride but allowed calcium chloride. Given the brackish environment this may not be an issue.

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

Motion: by Ms. Charles Lis to continue the hearing to the October 7<sup>th</sup> meeting.

Second: by Mr. Hayward.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

## **OTHER BUSINESS**

### **Return As-Built Guarantee – 45 Parkside Ave.**

Ms. Phelan recommended returning the as-built guarantee for 45 Parkside Ave.

Motion: by Ms. Charles Lis to return the as-built guarantee for 45 Parkside Ave.

Second: by Mr. Hayward.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

### **Conservation Trail Markers**

#### **Cranberry Pond Trail Map**

These items were taken up together. Quinlan Connors, Eagle Scout from Troop 22 was present. Mr. Connors said he received approval for his project at the last meeting but the issue of the trail markers and the trail map need to be resolved. He added additional trails to the map and added symbols to the trails. Ms. Phelan said she had concern about adding trails to the map. She said the trails were created informally and the Ranger tries to discourage their use. Ms. Charles Lis agreed, noting that disturbance should be limited especially because it is an Area of Critical Environmental Concern. Mr. Williams said that Wompatuck State Park and the Blue Hills deal with the same issues. There are benefits to limiting impact but also concern about first responders locating someone.

Ms. Phelan also noted a concern that the craved trail markers will be hard to replace in the future. Someone will need to carve the replacements and we lose consistency between the various conservation areas. Mr. Williams said Holbrook uses painted blazes. Mr. Hayward said you don't typically see trail markers in 3D shapes. Mr. Pham suggested that people could use a trail app on their smart phones. Mr. Williams said there are many trail apps but not everyone uses them.

Ms. Charles Lis said it seemed better to take some time to consider adding trails as part of a bigger discussion on land management. She suggested holding off on making a decision on adding new trails. Mr. Connors said it would not derail his project if the trails are not added. He is hoping the Commission approves the new markers. Mr. Williams suggested reducing the number of carved shapes. Ms. Francis said she likes the existing map better because it is simpler. She said the Commission is all volunteers and simpler is easier to manage. Mr. Connors said he was hoping for a decision that night.

Motion: by Mr. Williams to approve new markers for the four main existing trails only and use the existing map.

Second: by Mr. Hayward.

Vote: In favor: 3 (Hayward, Francis, Williams), Opposed: 1 (Charles Lis), Abstained: 1 (Pham).

Discussion ensued as to whether the measure passed with a majority of a quorum but not a majority of the Commission. Mr. Williams decided to withdraw his motion in favor of resuming the discussion at the next meeting.

### **Approval of Minutes – August 5, 2021**

Motion: by Mr. Hayward to approve the August 5th minutes.

Second: by Mr. Williams.

Vote: In favor: 4 (Charles Lis, Hayward, Francis, Williams), Opposed: 0, Abstained: 1 (Pham).

**Reorganization**

Ms. Charles Lis said she would like to discuss reorganization of the Commission at the next meeting.

**Adjourn**

Motion: by Ms. Charles Lis to adjourn the meeting at 9:50 PM

Second: by Mr. Hayward.

Vote: In favor: 5, Opposed: 0, Abstained: 0.

\*continued from August 5, 2021 meeting