

## Department of Planning and Community Development

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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

## CONSERVATION COMMISSION MINUTES THURSDAY, SEPTEMBER 5, 2019, 7PM TOWN HALL- JOHNSON CHAMBERS

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

Absent: Gus Murphy

### Public Hearings

**APPROVED**

**DEP File #8-679 Notice of Intent 50 Thetford Ave./Shakr (continued from 8/8/19)**

Shawn Hardy, project engineer, was present on behalf of the applicant. He noted that the hearing had been continued from August for draft conditions and a decision. He reviewed the draft conditions and said they did not have a problem with them.

Staff noted the condition for the fence and fence posts at the base of the wall to be removed prior to the start of work. The fence was to be left in place during the test pits but was removed and left on site. Mr. Hardy said he had not been aware of that until staff notified him. He said they will remove it. Ms. Charles Lis suggested amending condition #27 to note that the fence material will be removed by hand and/or from the top of the retaining wall.

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

Motion by Mr. Weinberg to issue the Order of Conditions for 8-679 as amended. Second by Ms. Francis. Vote: 6-0-0.

Motion by Ms. Albrecht to close the public hearing. Second by Mr. Weinberg. Vote: 6-0-0.

**DEP File #8-680 Notice of Intent 19-71 Shaw St./Windjammer Cove, LLC (continued from 8/8/19)**

John Rockwood from EcoTec was present with Matthew Glauninger, the property owner. Mr. Rockwood addressed the items raised at the August hearing as well as items raised by staff. They corrected the scale on sheets 2 and 3 of the plans; removed the relic pedestrian easement on the plans, provided the structural engineer's report on the retaining wall (bank of the river), added the existing 4 catch basins to the plans and confirmed discharge pipes to the river, they will seal the existing scupper holes at the pool deck and holes in the retaining wall, the plans show the grades to be lowered at the patio area for flood storage, native plantings have been added to the plan, hoods and inserts will be installed in all of the catch basins, they revised the TSS removal sheet and DEP stormwater checklist, they provided a stand-alone O&M Plan and cross sections of surface treatments.

Mr. Williams said sealing weepholes in the wall should not be done as they need to maintain hydrostatic pressure.

Ms. Charles Lis said she is happy with the planting plan. She feels the project meets the Riverfront and stormwater redevelopment standards. She said reseeding lawn areas disturbed by snow storage should be put in the O&M Plan. Mr. Rockwood said he did include that. Ms. Charles Lis also noted that TSS removal credit is only given for vacuum sweeping, not rotary sweeping.

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

Motion by Ms. Albrecht to issue the Order of Conditions as drafted. Second by Mr. Weinberg. Vote: 6-0-0.

Motion by Mr. Weinberg to close the public hearing for 19-71 Shaw St. Second by Mr. Hayward. Vote: 6-0-0.

**Request for Determination of Applicability 355 Elm St. /Nguyen**

Lawrence Westgate of All Phases Renovation was present on behalf of the applicant. Mr. Westgate said the project is a patio and a 21-inch retaining walls. He started work but was told by staff to stop because of the wetland on the adjacent property. The patio will be made of paver stones and filled with poly sand.

Mr. Hayward said he understood there is a flooding problem in the neighborhood. Staff explained that the neighborhood is at the bottom of a hill and Elm St. is elevated behind it so it functions as a bowl. The water eventually drains under Elm St. to the Monatiquot River.

Ms. Charles Lis asked about the status of the construction. Staff said the topsoil from the yard has been removed and pushed up around the trees at the back of the site. It should be removed carefully so as not to damage the trees and done sooner rather than later. Mr. Hayward said the soil should not be left for more than a growing season.

Ms. Charles Lis asked about the retaining walls. Mr. Westgate said they would be made of three six-inch blocks with a three-inch cap.

Ms. Charles Lis asked for public comment. Anya Zola from 355 Elm St. said a trench was dug under the guidance of the Town Engineer in the 1980s to help with flooding but the problem has only gotten worse. She sent photos of the flooding to staff who forwarded them to the Commission. Ms. Zola said mosquito control has also been involved but they are still having standing water for much of the year. She said she had asked the contractor to grade the site away from her property but he replied that he could not do that.

Ms. Charles Lis said the staff report noted that the contractor had considered a berm along the property line. Mr. Westgate said he could create a berm if the Commission would like. Mr. Hayward said that bringing fill into the property would not be a good idea. Ms. Charles Lis said a berm is useful to direct water and not likely to help in this case. Ms. Charles Lis said the Commission can't fix the problem in the neighborhood but can address this project so that it does not make things worse.

Ms. Zola asked how the Commission would know if the project makes the flooding worse. Ms. Charles Lis said staff can inspect the site during the construction process. She requested additional information on the project from the applicant, including a detail on the pavers and that joints be permeable. Mr. Westgate said he could use regular sand or rice stone instead of poly sand and use permeable pavers.

Ms. Charles Lis asked about landscaping and requested that native shrubs or trees be used in place of the arborvitaes. Mr. Hayward suggested shadbush, either *Amelanchier canadensis* or *arborea*.

Mr. Williams requested the plan be clarified as to what is new and what is proposed.

Ms. Charles Lis noted the following items are needed in advance of the next meeting: a clearer plan with existing and proposed conditions noted, detail on the pavers, number and species of trees or shrubs to be planted.

Motion by Mr. Hayward to continue the hearing to the October 3<sup>rd</sup> meeting. Second by Mr. Weinberg. Vote: 6-0-0.

### **Request for Determination of Applicability 260 Liberty St. /Town of Braintree**

Dan Armstrong was present on behalf of the applicant. The project is an outdoor classroom with a gravel paver walkway. It will be ADA compliant. It will have a water feature with a pump which will use stormwater as well as a bioretention area. They will remove an area of existing pavement and a catch basin and install a new catch basin with a dome grate. They are keeping the large trees except for one which is unsound. There is also a lot of poison ivy and knotweed which will be removed. It was noted that Mr. Williams, Ms. Francis and staff made a site visit with Mr. Armstrong that day.

Ms. Charles Lis asked Mr. Armstrong if he had read the staff report. He said he did not receive it. Ms. Charles Lis noted the items raised in the report: a narrative should be provided, tree removal and compliance with the tree policy addressed, square footage of the walkway, explanation of the water feature and bioretention area, a planting plan for the bioretention area and a description of surface treatments. There was also a question as to whether a stormwater report should be done.

Mr. Armstrong said there is a reduction in impervious area so he did not see a need to provide a stormwater report.

Mr. Williams asked about the grading around trees. Mr. Armstrong said he is still fine tuning that and will revise the plan to minimize grading around the trees.

Mr. Williams asked how much drainage is coming down the driveway to the existing catch basin. Mr. Armstrong said it is quite a bit and the dome grate on the new catch basin will help prevent it becoming clogged with leaves.

Mr. Williams asked if the gravel pavers are ADA compliant. Mr. Armstrong said they are.

Ms. Charles Lis said an O&M Plan should be provided for the site.

Ms. Francis asked about the red area on the aerial photo. It is the Mass GIS wetland layer. Staff noted that she flagged the wetland and it did not extend up into that area.

Ms. Charles Lis said she appreciated that the design stays out of the 50 foot buffer.

Ms. Charles Lis asked for public comment.

Jack McKinney from Liberty St. said they hear noise from the existing playground which is on the other side of the school and wondered if some trees could be left to block sound. He also said there are a lot of ticks and mosquitos in the area. He wondered about the funding for this project since the existing playground is in poor conditions with weeds growing out of it and should be resurfaced.

Mr. Armstrong said the noise should not be an issue since the classroom is not for recess but will be used as classroom space with one class at a time and with a teacher. He said they will have to have awareness and education about ticks and mosquitos. As to the last point, this project is funded by Community Preservation funds which could not fund the playground repair.

Julie McKinney from Liberty St. said she is supportive of the project and thinks it is a tremendous use of the land.

Motion by Mr. Hayward to continue the hearing to the October 3<sup>rd</sup> meeting. Second by Ms. Francis. Vote: 6-0-0.

**OTHER BUSINESS**

**Request for Extension Permit 8-596 Sunset Lake/Town of Braintree**

Staff requested an Extension Permit for the aquatic weed treatment at Sunset Lake. The Order was originally issued in 2010 and has been previously extended. Due to extenuating circumstances with the herbicide applicator as well as with the Natural Heritage and Endangered Species program, staff proposed the following timeline.

<b>June, 2020</b>	Treat the lake in accordance with existing (extended) Order of Conditions
<b>Summer, 2020</b>	Complete a nutrient cycling analysis of the lake in conjunction with the standard water quality sampling required by NHESP
<b>June, 2021</b>	Treat the lake in accordance with existing (extended) Order of Conditions
<b>Summer, 2021</b>	Hire a consultant to do the mussel sampling required by NHESP prior to applying for a new MESA permit in 2022
<b>Fall, 2021</b>	Apply the results of the nutrient sampling work and the mussel survey to develop an updated program for the lake (possibly including an alum treatment) and file a new Notice of Intent and MESA application to NHESP
<b>March 2022</b>	Obtain a new Order of Conditions and MESA permit to implement the plan going forward.

Ms. Charles Lis noted that she can support an extension given the circumstances but would not be in favor of another extension after this one.

Motion by Mr. Weinberg to issue a three-year Extension Permit for 8-596 for Sunset Lake aquatic weed treatment. Second by Ms. Francis. Vote: 6-0-0.

**Request for Certificate of Compliance 8-673 1177 Washington St. /HLB Investor Group**

Josh Brayman and Tuan Le, both from HLB Investor Group, were present. Mr. Le said they had met with staff and worked with their engineer and landscaper to add more vegetation to the water quality basin and add stone forebays where the water is entering the basin.

Mr. Hayward said he has concerns about issuing the Certificate of Compliance without the basin going through a full growing season. Mr. Le said they want to launch the restaurant. Staff said the Certificate of Compliance would not affect their opening.

Ms. Charles Lis said she would not expect to see so much mulch in a water quality basin. Mr. Le said their landscaper sprayed too much mulch into the basin and they can remove some.

Staff said she was concerned that the basin was holding water in the spring and the plantings in that area died. She said there should be more vegetation in the basin than mulch and it is the opposite and she would like to ensure the basin will function as intended.

Ms. Charles Lis suggested they seed the basin. Mr. Le is concerned about the aesthetics of the basin. It was agreed upon that they will remove some of the mulch and add more shrubs and return to the October meeting.

Motion by Mr. Hayward to continue the matter to the October 3<sup>rd</sup> meeting. Second by Ms. Francis. Vote: 6-0-0.

#### **Request for Certificate of Compliance 8-672 20 Jensen Farm Rd. /LF Properties**

Staff recommended issuing the Certificate of Compliance for 20 Jensen Farm Rd. contingent upon roof runoff being directed away from paved areas or into drywells. There are no surviving conditions.

Motion by Mr. Hayward to issue the Certificate of Compliance for 20 Jensen Farm Rd. contingent upon roof runoff being over grass or into drywells. Second by Ms. Francis. Vote: 6-0-0.

#### **Request for Minor Modification 8-669 50 Liberty Park Ave./Kippenhan**

Kristina Kippenhan was present. She said the swale they are trying to establish keeps washing out and their engineer recommended it be rip rap.

Staff noted that she asked the engineer for a memo to the Commission to explain the problem and why the design is not working. Staff said a grass swale would remove pollutants better than a rip rap swale.

Ms. Charles Lis asked if they have tried other methods to stabilize the swale such as jute mats. Ms. Kippenhan said they had tried those.

Mr. Williams suggested check dams be used.

Staff noted that she asked the engineer for a memo to the Commission to explain the problem and why the design is not working. Staff said a grass swale would remove pollutants better than a rip rap swale. Staff said the email from the engineer was not clear and that the memo had not been received.

Ms. Charles Lis said the Commission should see the memo from the engineer. They want to understand why the swale is not working and want to see that it is successful.

Motion by Mr. Weinberg to continue the matter to the October 3<sup>rd</sup> meeting. Second by Ms. Francis. Vote: 6-0-0.

### **Middle St. Conceptual Trail Plan**

Staff noted she has been working with an experienced trail builder on the design of the trail for the Middle St. property on the Monatiquot River. There are two conceptual designs, one is entirely boardwalk, and the other is a mix of boardwalk and at grade trail. There will be a public meeting in the near future on the designs. Staff would like to ensure the Commission is supportive of the location of the trail close to the river. Since purpose of the trail is to access the river, it needs to be close to the river, at least in locations where feasible. The Commission agreed that the trail should be located along the river where feasible.

### **Update Wetland Rules and Regulations**

Ms. Charles Lis updated the Tree Protection section and developed a Buffer Zone section with performance standards.

Mr. Williams suggested specifying the filing requirements for ANRADS. This will be added as a separate section similar to NOIs and RDAs.

Mr. Weinberg suggested using diameter at breast height "dbh" in place of caliper in the tree protection section as it is more easily understood. Mr. Weinberg also suggested including a section on protection of wildlife habitat. Ms. Charles Lis suggested it could be added to the buffer zone section.

A vote on the regulations can be taken at the October 3rd meeting, which will also serve as a public hearing on the proposed amended regulations.

### **Conservation Fund**

Staff noted that a decision needs to be made at the next meeting as to how much will be withdrawn from the four-year CD before it renews in November. She suggested a minimum of \$25,000 (\$20,000 for the match to the CZM grant for Watson Park and \$5000 for other expenses). Mr. Williams suggested \$35,000- \$40,000.

Motion by Mr. Williams to withdraw \$40,000 from the conservation fund prior to its renewal in November, with further review of this decision if time permits prior to renewal. Second by Mr. Weinberg. Vote: 6-0-0.

### **Other**

Staff noted a request to remove trees from conservation land surrounding the Bradley memorial stone at the end of Partridge Hill Rd. to open the area up.

Commission members feel that selective pruning would be more appropriate.

### **Approval of Minutes – August 8, 2019**

Correction: Mr. Hayward was not at the meeting and edits from Ms. Charles Lis received.

Motion by Ms. Francis to approve the August minutes at amended. Second by Mr. Weinberg.  
Vote: 6-0-0.

### **Resignation of Member Weinberg**

Mr. Weinberg noted that he had resigned from the Commission effective Friday, September 6, 2019. Members thanked him for his many years of dedicated service to the Conservation Commission, both as staff and as a member.

### **Adjourn**

Motion by Mr. Weinberg to adjourn the meeting at 10:06 PM. Second by Mr. Williams. Vote: 6-0-0.