

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
Joyce Albrecht
Diane Francis
Christopher Hayward
Kimberly Kroha
Peter Williams

CONSERVATION COMMISSION MINUTES THURSDAY, NOVEMBER 7, 2019, 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Diane Francis, Christopher Hayward, Kim Kroha, Heather Charles Lis (Chair), Peter Williams & Kelly Phelan, Staff

Absent: Joyce Albrecht, Gus Murphy

APPROVED

Ms. Charles Lis welcomed new member Kim Kroha. Ms. Charles Lis noted that Ms. Kroha is an attorney with experience in land-use permitting and will be a great addition to the Commission.

Public Hearings

Request for Determination of Applicability 355 Elm St./Nguyen (cont'd from 10/3)

Larry Westgate, the contractor, was present on behalf of Mr. Nguyen. Mr. Westgate said he included a drywell for the roof runoff on the plans and proposed a three foot beehive tank. He understands the condition for a recessed garden between the properties with plantings. He said he will not be able to do the project this fall since the construction season is winding down but he will schedule it for early April.

Ms. Charles Lis asked about the size of rice stone. Mr. Westgate said it is less than 3/8's of an inch.

Ms. Charles Lis said the planting should be true native species and not cultivars of native species. She suggested a condition that the final planting list be provided for review and approval by the Conservation Commission or staff.

Staff noted the email from the abutter received that day regarding her concern that the patio be installed to be level and that there is oversight of the project during construction. Staff suggested

adding a condition that the patio be level with no pitch in order to allow water to infiltrate through the pervious pavers.

Motion by Ms. Francis to issue a negative Determination of Applicability for 355 Elm St. with conditions as amended. Second by Mr. Hayward. Vote: 4-0-1. Ms. Kroha abstained since she was not present at the other hearings on this project.

Motion by Ms. Francis to close the public hearing for 355 Elm St. Second by Mr. Hayward. Vote: 4-0-1 with Ms. Kroha abstaining.

Other Business

Request for Modification 8-677 175 Campanelli Dr./EIP Campanelli Parkway, LLC

David Kelly, project engineer, was present with John Hennessy of EIP Campanelli Parkway, LLC.

Mr. Kelly noted that the Order of Conditions for the project had been issued in April. Work included utility pedestals, a new entry and material silos. Since this work is within the floodplain, compensatory flood storage was required. Mr. Kelly said there were a few issues with this project. One is that the preconstruction meeting didn't happen. The second issue is that the compensatory storage was not completed and the grading encroached within the 25 foot no-disturb buffer. Also more filling was done to create a level pad for the utilities and entryway ramp. The design is short 300 cubic feet. They propose to extend the compensatory storage area 20 feet to the south. No additional tree removal is required to accomplish this. They also plan to increase the planting by 20%. They propose to complete this in the spring.

Staff said it was very frustrating that the work happened without notification or a meeting to address the conditions and that the work encroached on the 25 foot no-disturb buffer.

Mr. Hayward said it is too late in the season to complete the work and supports waiting to spring.

Ms. Charles Lis said she is concerned about the lack of flood storage now. She also requested the contractor meet with staff. Mr. Hennessey said he takes responsibility for the errors and will arrange for the contractor to meet with staff.

Ms. Charles Lis noted that additional flood storage needs to be created at elevation 119 to comply with regulation that storage be created at each increment. Mr. Kelly will revise the plan and calculation.

Motion by Mr. Hayward to approve the modification provided a revised plan and table for compensatory flood storage is received and there is a pre-construction meeting between the contractor and staff. Second by Ms. Francis. Vote: 4-0-1 with Ms. Kroha abstaining.

Request for Certificate of Compliance 8-678 530 West St./ADG 530 West St., LLC

Staff noted that the request for Certificate of Compliance was received and everything is in order. The only question regards one of the water quality units which has an open grate instead of a manhole cover. This was designed to be a manhole cover and staff questioned whether the unit would function as designed with the additional flow through it. Mr. Kelly said it should not make a difference in the operation. Mr. Kelly will provide a certification that the unit will operate the same with the open grate.

Motion by Ms. Francis to issue the Certificate of Compliance for 8-678 contingent upon receipt of the certification on the water quality unit. Second by Mr. Williams. Vote: 4-0-1 with Ms. Kroha abstaining.

Update on 8-635 - 205 Elm St. /Riverwalk Development, LLC

George Clements of Riverwalk Development, LLC was present with Garrett Tunison, wetland scientist. Mr. Tunison provided a monitoring report on the status of the riverfront restoration including the knotweed treatment and plantings. The knotweed was treated in 2017, 2018 and 2019 and shrubs were planted in spring, 2019. Most of the plantings have survived and the knotweed density is down. There are also a lot of black walnuts coming in and some arrowwood and elm. The native coverage is about 90%.

Mr. Hayward asked about the fence to be installed at the top of the slope. Mr. Clements said the fence is the responsibility of the condo association. He said the condo association also needs to start taking over the invasive monitoring and treatment. Staff said another monitoring report is expected from Mr. Clements next fall, at which point, assuming a minimum of 75% coverage by natives, the condo association would be expected to take over.

Mr. Tunison said he will be filing a new Notice of Intent since the Order of Conditions has expired. They will also request a Certificate of Compliance for the bulk of the project which has been completed.

Update on Eaton's Pond Area

Josh Cantara, the Eaton's Pond Ranger, was present. Mr. Cantara started as a volunteer steward of the property and was hired as the ranger in July when funding became available. Mr. Cantara said he is working on his environmental science degree. He said there is much less illegal camping going on this season. He is also organizing clean-up days and getting some help from DPW. He would like to get chain saw training and is working with staff to identify an opportunity to attend a training.

Mr. Williams said the New England Mountain Bike Association (NEMBA) has helped out in the past. Mr. Williams is a member. NEMBA has a manual powered chain saw which may be something to consider.

Mr. Williams asked about publicizing clean-up days. The Mayor's office maintains social media accounts and the homepage of the Town website. Information can be sent to their office to publicize.

Mike Richardi was also present. Mr. Richardi is a Weymouth resident who serves on the board of Pond Meadow Park and also volunteers with the Division of Marine Fisheries on fisheries issues. Mr. Richardi said he is interested in asking the Army Corps to look at the flood control project at Eaton's Pond/Hayward Creek. The Corps 1135 grant program could be a source of funds to make changes to the flood control project to allow fish passage. The first step is to write a letter of interest to the Corps. He has done the same for Smelt Brook and was successful. He asked the Commission for their support. Ms. Charles Lis suggested the Commission write a letter of support. Staff will draft this for the next meeting.

Motion by Mr. Hayward to provide a letter to the Army Corps in support of Mr. Richardi's efforts on the Hayward Creek/Eaton's Pond. Second by Ms. Francis. Vote: 5-0-0.

Town Forest Scout Camping - Memorandum of Understanding

Ms. Charles Lis said that, as requested by the Commission, the Mayor has taken action to transfer the care of the Town Forest to the Conservation Commission. This will ensure the permanent protection of the Town Forest. The transfer went before the Ways and Means subcommittee of the Town Council the previous evening. After discussion, the subcommittee tabled the request. The Committee would like the Commission to ensure that the scout troops are still able to camp at the Town Forest. The Assistant Town Solicitor and staff drafted a Memorandum of Understanding to be signed by the Scout Troop and the Commission and brought back to the subcommittee for their next meeting in November, at which time a favorable recommendation is expected. The Commission will also need to update its conservation land rules and regulation to allow camping at the Town Forest.

Changes to the MOU includes specifying "control" in addition to "care and custody" of the land and removing the proposed camping regulation language from the MOU itself but including it in correspondence to the Town Council.

Staff will make the changes and Ms. Charles Lis will sign on behalf of the Commission.

2020 Meeting Schedule

The proposed 2020 meeting schedule was discussed. All meetings will be first Thursdays of the month, except January which will be the second Thursday. It was suggested that the July meeting be moved to the second Thursday.

Motion by Ms. Francis to accept the 2020 meeting schedule as amended. Second by Mr. Williams. Vote: 5-0-0.

Other - None

Approval of Minutes – October 3, 2019

Motion by Ms. Francis to approve the October 3 minutes. Second by Mr. Hayward. Vote: 4-0-1 with Ms. Kroha abstaining.