

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
Kevin Bears
Diane Francis
Gail Poliner-Feldman

Staff: Kelly Phelan

APPROVED

CONSERVATION COMMISSION MINUTES THURSDAY, JULY 6, 2017 7PM TOWN HALL- AUDITORIUM

Weymouth Conservation Commission and Braintree Conservation Commission both motion to call the meeting to order – 7:00 PM

Braintree Commissioners Present:

Gus Murphy – Acting Chair
Alan Weinberg
Diane Francis
Joyce Albrecht

Staff: Kelly Phelan

Weymouth Commissioners Present:

Tom Tanner, Chair
John Reilly, Vice Chair
Scott Dowd, Clerk
Frank Singleton

Staff: Mary Ellen Schloss

Joint Hearing with the Weymouth Conservation Commission (start 7:05pm) Notice of Intent (8-657) Commercial St – Smelt Brook/Town of Weymouth

Bob Luongo, Director Weymouth Planning & Community Development updated both Commissions with the progress of the project since the last meeting. A letter had been sent from the Division of Marine Fisheries (DMF) with concerns. A conference call with the Division of Marine Fisheries (DMF) Commission occurred yesterday to discuss their concerns and tonight we don't have a formal response from EBI Consulting but will shortly when discussed with further with the Town of Weymouth.

Mary Ellen Schloss summarized the initial DMF letter; first DMF wants a longer substrate than the proposed 10' feet inside the pipe located on the Katzen property. Engineers are concerned that it could possibly become a hydraulic restriction of the pipes volume however the other alternative is to open the pipe up to daylight on the property which would be a larger problem with the current development requiring major modifications. After discussion today DMF could live with the 10 feet of substrate if that is the best we can do.

Bob Luongo said DMF understood the restrictions and hopefully we can come back on 8/3 with their blessing.

Mary Ellen Schloss noted their second concern was with existing flows to Smelt Brook from Pond Meadow Park. Currently, there is flow when smelt spawn in March thru June. DMF has requested for additional flows into the stream year round. The Army Corp of Engineers (ACOE) needs to approval this change to the Operation & Maintenance plan for the Pond Meadow District. She commented that the Town of Weymouth is committed to work with Pond Meadow and ACOE. Bob Luongo added that the Town of Weymouth is committed to increasing the flows.

Mary Ellen noted the third concern was with the trapezoidal design of the channel and depth and velocity of the flows – EBI Consulting agreed to provide additional data to address the design details. DMF also asked that a short resting pool could be provided and EBI Consulting will look into a location.

The final concern was with the design of the geo substrate because of a similar design in Quincy's project resulted in some of the stones coming out of the substrate – EBI will provide revised plans to address the DMF comments as well as a response letter with additional information and provide it also to both Towns before 8/3. The Town of Weymouth still has to obtain a Chapter 91 license and 404 permit which EBI will be applying for on behalf of the Town. Final revised plans for both Commission s and the state agencies of those permits are needed that will incorporate the DMF comments.

Robert Luongo expressed his concerned that we will miss the construction season and then be further delayed with the smelt spawning time. It is the grant from Mass Works that sets a crucial schedule we need to start drawing on the funds in FY18 and be completed by June 30th. He intends to go back and talk with them about any slippage with the schedule. Weymouth would like to finalize the Order of Conditions in August.

Mary Ellen Schloss asked if everyone is comfortable with the initial responses of EBI? Chair Gus Murphy asked Kelly Phelan if she is comfortable with where the project is. She said that EBI's response to many of the items raised in the staff report was to ask that those items be conditioned; dewatering plans, construction sequencing, etc. Braintree will condition for certain information prior to the start of construction.

Weymouth Commissioner Tanner asked a question about responses that answered two different questions how they would be handled in the issuance of the conditions? How will we move forward with this will we try and make the conditions the same in one order or issuance of two orders and if two how will we make them to be not conflicting? Mary Ellen Schloss commented each Town will have their own Order since two different DEP numbers. The Commissioner asked if is this is achievable for Braintree as well for the next meeting on 8/3? Kelly Phelan responded yes we will work as well with Weymouth to protect the grant and agrees it is imperative to have the Order ready to vote 8/3. Gus Murphy noted his agreement.

Bob Luongo is confident we are able to do it and commented on the good cooperation of the two Mayors and town's staff to get it done. Alan Weinberg asked if the Commission (s) would be approving the plans and Mary Ellen Schloss said yes we would and we would try and get the plans a week in advance. Bob Luongo said we are working with EBI to get them in a timely manner as soon as possible.

Alan Weinberg asked if EBI will be here on the 8/3 meeting and Bob Luongo responded yes; they are not here tonight because he is watching the budget and he wanted to save money for this meeting but they will be definitely be here. The joint meeting with both boards is preferable for the budget.

Tom Tanner asked that after getting the plans if minor changes need to be made that they be conditioned in order to keep the schedule moving and both staff responded yes.

Weymouth Commissioner Reilly motioned to continue the public hearing to 8/3 – seconded by Weymouth Commissioner Singleton. Unanimous vote.

Alan Weinberg made a motion to continue the public hearing to 8/3, seconded by Joyce Albrecht– Unanimous vote.

Notice of Intent (8-655) 71 Adams Street – Graziano (start at 7:25pm)

Shawn Hardy – Engineer

Garret Tunison, Wetland Scientist

Garrett Tunison using a map of the site provided Commissioners with a follow up from the last hearing. The Commission had asked about extension of the area for flood storage and he reported they were able to modify the plan and provide a hydraulic connection. He showed what was proposed that still allowed the Graziano operation to continue with operations for the plant and work areas in the rear of the site. They would install steel rods, safety fence and barricade them off but leave a small connection and still provide the storage and operation but with protection of the flood storage area.

Shawn Hardy discussed how the site floods. The request of the Commission was to provide a hydraulic connection so that is what they did with the grading. They provided grade with slopes that gets the water back to the river. They now have a positive connection of the flood storage areas that drain to the river. Gus Murphy asked if this new design had any contact with the auto fluff and Sean responded no. Gus Murphy asked if there was any public comment – none. He then asked Kelly Phelan her opinion. Kelly responded that there is improvement however the lower areas are still a concern and she questioned if this complies with the regulations. She feels there is not a hydraulic connection in most of the areas to be graded. Gus Murphy asked what they should do. Kelly offered options that it could be continued to take another look, we could ask for a Peer review for a second opinion or we could deny it and the applicant could appeal to DEP.

Garrett Tunison read from the regulation and he feels they have met the cubic quantity for storage and they are at the same elevation and that regulations say it has to be adjacent to the Monatiquot River therefore they do meet the performance standards. Kelly noted that it is the hydraulic connection that she doesn't agree with. Gus Murphy questioned Mr. Tunison that if she has concerns what further can be done to bring it to the clear standards

Shawn Hardy comment that we believe we meet the performance standards – I discussed last time the differences how it floods because it meets restrictions and topples over the bank and then floods Adams Street. Under this proposal it provides storage at the river bank. The flood waters find the easiest path to go which is down Arnold St. The proposal provides the connection and they are making an area lower; the Graziano operation will need to acknowledge that there will be water during certain conditions and they will flood however the fencing will keep the operation running. It is a positive

option to keep the existing operation out of that area and Shawn Hardy feels this is the best we can do and as to the performance standards we believe we have met.

Kelly Phelan pointed the hatched area of the plan in front of the garage if that is connected. That is one area it looks like a connection but not actually connecting. Shawn Hardy said it will provide positive flows. Garrett Tunison said that water would actually be able to go back to the river where before it just ponding and flooding the neighbors.

Shawn Hardy cites the elevations showing the pitch to provide flow down to the river. Kelly still doesn't agree and comments that as you move further down the site there are problems.

Gus Murphy asks about the auto fluff and if that is prohibiting the connection? Shawn Hardy that contaminated material was placed on site a long time ago before regulations and now to move it is a big concern and cost. There is a future development forthcoming that may have to address it further and to move it now to another area on the lot or off site is a major financial concern.

Gus Murphy asks if the results of the test pits - do we have them. Garrett said the areas of the compensatory storage are clean and they tried to avoid the areas with the auto fluff entirely. They have delineated the clean-up areas looking at the long term planning for the clean-up of the site. Shawn Hardy said that some of the filling occurred as a result of the garage construction and a prior Notice of Intent that allowed for compensatory storage in another area of the site. We have heard the Commission say you want it along the river which was is different from the original NOI for the garage.

Gus Murphy comments that we all agree it a sensitive areas and we are trying to protect the river and suggests they take another look at it. Garrett Tunison said they will take another look but they feel that they have addressed it. If the Commission has other recommendations to connect they are open but they are getting near exhaustion without spending millions to remove the contamination. They are willing to do whatever needs to be done.

Alan Weinberg asked the Commissioners if they think a peer review is needed. Kelly commented that is certainly an option if we are at a deadlock. Alan asked again what does the Commission think.

Gus Murphy asks for public comment – none. He thinks we should have them take another look and then go with a peer review.

Alan Weinberg made a motion to continue the public hearing to 8/3, seconded by Joyce Albrecht– Unanimous vote.

Request for Determination of Applicability - 180 Allen St – start 7:54 PM

David Kelly – Engineer

David Kelly representing the Feeney Brothers commented that Mike Sheehan was at the last meeting which was the first hearing and Mike asked them to address a few concerns which primarily involved accessing an emergency door at the rear of the building. What they have proposed to do is to construct a narrow walkway to the door that is an emergency door. At the last meeting the Conservation Commission allowed the project in theory but with 3 concerns to return with tonight:

1) Storm water improvements – they agreed to leave an area un-paved and construct a swale in the area where there is employee parking. Currently the lot already drains towards to this area and a simple swale with grading 1:3 slopes and stone choker that would be less 300 SF area but provide water quality treatment.

2) Provide a planting plan that would restore an area next to the walkway – buffer plantings and shrubs he describes the species proposed (witch hazel and black cherry).

3) Materials of construction of the walkway – They are proposing an eco lock paver that would allow some draining but make more pervious areas that benefit the site.

Alan Weinberg asks David Kelley if he has seen the recommendation from Kelly Phelan as to a negative determination but with 6 conditions to be undertaken.

Gus Murphy asks for public comment – None

Alan Weinberg made a motion that the request be issued as a negative determination under the local wetland bylaw and the Wetland Protection Act with six conditions, seconded by Diane Francis– unanimous vote.

**Notice of Intent (8-656) – 28 Delta Road/Fong
Garrett Tunison**

Using a plan, they are proposing to add an addition to their home within the riverfront area and wetlands buffer zone the area of jurisdiction was a prior pool area and was disturbed area. The BVW located within the rear of the property is to bank of the Farm River. He shows the areas he delineated the wetlands on the plan. The proposed addition has a reduction of 300 SF – ecological restoration is needed and he explains the proposed species. We are trying to shift the restoration area and the wall needs to be restored it will be shifted 5' towards the house. Now a small area of the wall has collapsed.

GUS MURPHY asked for public comment – none.

Kelly Phelan commented that she was pleased the recommendation is being followed with a revised plan we can issue conditions for the next meeting

Alan Weinberg Motion to continue the public hearing to 8/3, seconded by Diane Francis– Unanimous

**Request for Determination of Applicability 725 Granite Street (start 8:10 pm)
Kiddosland Development Center**

Deb Kelleher of Merrill Engineering, presented the plan and explained the project. The daycare has leased area in the central portion of building in the Granite Plaza on the second floor and they are required to have an outdoor play area for the children. They have proposed the play area in the rear of the building in an area that has paved parking. The site is adjacent to the Farm River. This area is bordering land subject to flooding. The play area is not within the river front area or wetland buffer zone but is within bordering land subject to flooding. The play area is approximately 2340 SF and they will maintain the existing elevations. Installation will include saw cut of the pavement and replacing it with a rubber play surface, enclosing it with vinyl fencing with a 4" gap at bottom of fence to allow flood

flow in an out. They are also installing bollards at the fence to protect from vehicles and the parking will be the employee parking area. Deb Kelleher commented they have no problems with the staff recommendation for conditions. Gus Murphy asked about the concern with the drain pipe and Deb Keller replied that the property owner will address it.

Alan Weinberg asked if there were any catch basins near the river with the proposed project and Deb responded no.

Gus Murphy asked for any public comment – none

Alan Weinberg made a Motion to close the public hearing and issue a negative determination with conditions, seconded by Diane Francis – Unanimous vote.

Alan Weinberg did follow up with one question on the as-built plan do we need the RPE to stamp? And Kelly responded she will modify condition #1 to include a stamp.

Notice of Intent 66 Brooks Drive (8-) Brightfields Development LLC

The applicants requested an extension.

Alan Weinberg made a motion to continue the public hearing to 8/3, seconded by Joyce Albrecht – Unanimous vote.

Request for Determination of Applicability 695-743 Granite St/Granite Plaza Ltd. Partnership (start 8:20 PM)

Rob St. John, Messina Enterprises was present and handed out an updated plan to Commissioners with a correction on the datum. The proposal is to remove 3” of pavement and replace with new pavement. He commented that they will let Kelly know when project begins in case we may need to expand the scope if we find problematic areas. Rob St. John stated there is no change in the elevation with the project. Messina Corp. routinely cleans the catch basins and sweeps the parking lot once a year and overall the drainage is fairly flat given the elevation

Alan Weinberg asked if the milled pavement would be stored on-site? Rob said there is no storage on-site it will be removed off-site. Alan Weinberg asked if in previous conditions if there is signage as to no salt. Rob St. John said they do not use salt on the site.

Gus Murphy asks for public comment – none.

Alan Weinberg made a motion to issue a negative DOA as outlined in the staff report dated 7/6/17 with the inclusion of six conditions, seconded by Joyce Albrecht – Unanimous vote.

Alan Weinberg Motion to close the public hearing, seconded by Joyce Albrecht – Unanimous vote.

Other Business:

Request for Minor Modification for 1091 Liberty Street – The applicant submitted materials showing the project scaled back further away from the wetlands. Alan Weinberg made a motion to approve 8-636 as a minor modification, seconded by Joyce Albrecht – Unanimous vote.

Request from Community Preservation Committee on 1091 Liberty Street – The CPA chair sent the Commission a letter asking their opinion of the applicant’s proposal to have the Commission take care and custody of the land. Alan Weinberg expressed his opinion that the individual property alone with no connection to other open space lands had no real conservation value and he was not interested in the acquisition and the other members agreed. Alan Weinberg made a motion that presently we are not interested in acquiring the land at 1091 Liberty, seconded by Diane Francis – Unanimous vote.

Monatiquot River – Debris removal at Ames Pond Dam – The Commission received a letter from Mike Richardi, he would like to remove debris within the river at the last bay of the former Ames Pond Dam. Alan Weinberg asked how he would access the area to remove the debris. Mike Richardi has permission from Rob St. John of FX Messina and Alan Weinberg questioned liability insurance. Mike responded that he is working as a volunteer and is a Pond Meadow Park Commissioner and covered by that liability insurance. He will use a trailer to remove the debris from the site and if there is something large Kelly can make arrangements with DPW. Alan Weinberg thanks Mike Richardi for wanting to do this as a volunteer.

Diane Francis made a motion to approve the request for debris removal at Ames Pond by Mike Richardi, seconded by Joyce Albrecht – Unanimous vote.

Minor Modification for 8-640 Great Pond Dam - Kelly explained the changes to the Commission. There is an increase of 20 square feet of replication area. Joyce Albrecht made a motion to accept the minor modification, seconded by Diane Francis – Unanimous vote.

Request for Certificate of Compliance 8-644 44 Allen Street – Kelly explained the remediation work has been completed. Alan Weinberg questioned if there were any surviving conditions and Kelly said no. Alan Weinberg made a motion to approve the issuance of Certificate of Compliance, seconded by Diane Francis – Unanimous vote.

Approval of Minutes – June 1, 2017 – Joyce Albrecht made a Motion to approve the June minutes, seconded by Diane Francis – Unanimous vote.

Alan Weinberg Motion to adjourn the meeting at 8:35PM, seconded by Diane Francis – Unanimous vote.