



Mayor Joseph C. Sullivan

Department of Planning and Community Development

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Braintree Conservation Commission

Donald Murphy, Vice-Chair
Kevin Bears
Heather Charles Lis
Diane Francis
Gail Poliner-Feldman
Alan Weinberg

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, SEPTEMBER 1, 2016 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Donald (Gus) Murphy, Vice Chair; Kevin Bears, Gail Feldman, Diane Francis, Heather Charles Lis Alan Weinberg & Kelly Phelan, Staff

Public Hearings

Notice of Intent 8-640 Great Pond Dam/Tri Town Board of Water Commissioners

APPROVED

Scott Landgren from CDM Associates was present as well as Lou Dutton from the Braintree Water Department and Barbara Mello from the Mayor's Office. Mr. Landgren addressed comments in the staff report/draft condition document, including the issue of paving. At the last meeting the Commission requested someone from Tri Town attend the meeting to discuss the rationale for paving the access road on the crest of the dam.

Mr. Dutton said paving the crest is necessary to provide for year-round access and maintenance of the dam, especially in the winter. He said it is an equipment issue and a safety issue and protects the 3 million dollar investment they are making in the dam. He said the only other access is from West St. which is not safe.

Mr. Murphy asked if gravel would work. Mr. Dutton said the plow tears up gravel.

Mr. Weinberg said asphalt also gets torn up by plows. He said it is porous and expands and contracts and gets broken up easily.

Mr. Landgren said the asphalt will go over a new subbase on the dam. He said that only town vehicles travel on the road. Mr. Dutton is said it is a smooth pass for plowing; there are no gate boxes or manhole covers sticking up.

Staff said she didn't think it was ideal to pave next to the reservoir but if the operators of the dam felt it was necessary she would defer to them. She asked how often they use the access road. Mr. Dutton said about once a week but more in summer. Ms. Feldman said it seems the opposite; if they use it more in summer but need to pave it for winter access.

Ms. Charles Lis said she would prefer to see gravel unless it is significantly more difficult to maintain. She suggested including a condition that no sodium chloride or sand be used. Mr. Dutton said they can't use sodium chloride anywhere.

Mr. Weinberg said the asphalt will be a sheet of ice. Mr. Dutton said they only drive 5 miles per hour. He said they can't use salt on the access road into the treatment plant which they drive up every day and they manage. He said they use sand.

Mr. Landgren moved on to the turbidity curtain issue in the staff report. He said it is intended only in front of the spillway and they will revise the erosion and sedimentation control plan to reflect that.

The last issue in the staff report is the restoration protocol. Staff noted the restoration plan called for stripping and removing the topsoil from the wetlands and wondered if that level of disturbance was necessary. Mr. Landgren said they can avoid that and they will change the restoration document.

Ms. Mello, grant writer and contract administrator for the Town, said she was concerned with conditions that may involve additional cost as the project is already over budget.

Staff said one condition with an additional cost is the condition for an independent environmental monitor once a week for the duration of a project.

Ms. Charles Lis said she would not be comfortable removing that condition but maybe it could be required only at certain key points. Mr. Bears said benchmarks in the construction process would have to be called out. Mr. Murphy asked how long construction would take. Ms. Mello said about five active months.

Mr. Weinberg said he would prefer to continue the hearing to have the exact language on all of the conditions. Staff noted Ms. Charles had sent her comments on some of the conditions and findings which would need to be incorporated. Ms. Charles Lis read her comments.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the hearing to the October 6 meeting. Vote: 6-0.

Request for Determination of Applicability 9 Hickory Rd./Christian

Mr. and Mrs. Christian were present. Mr. Murphy noted that staff report recommended the Commission make a site visit. Ms. Charles Lis asked why the wetland wasn't flagged. Staff said

there was a cost issue and it is not clear that the project can be approved given that it would be in the 25 foot no-disturb buffer.

Motion by Ms. Feldman, second by Ms. Francis, to continue the hearing to October 6. Vote: 6-0.

The Commission will make a site visit.

**Request for Determination of Applicability
162 Walnut St./Lydon**

Joseph Hannon, PE was present. Frank Harkin, husband of the property owner was also present.

Mr. Hannon said the proposal is for a 32' x 16' addition and a mudroom addition. He said the addition is within the footprint of an existing deck and patio. It is proposed to be on 30 inch diameter footings and elevated above the floodplain.

Mr. Weinberg noted that staff had recommended conditions and asked if they could accept the conditions. Mr. Hannon said they seemed reasonable.

Ms. Charles Lis asked why a Request for Determination (RDA) application was filed when staff recommended a Notice of Intent (NOI). Mr. Hannon said they felt because the addition was within the same footprint as the patio that it is only a minor change. Ms. Charles Lis asked how many footings were proposed. Mr. Hannon said 7 on the addition and 3 on the mudroom.

Ms. Charles Lis said she feels strongly that it should be an NOI application and not an RDA because the work is within two resource areas (floodplain and riverfront) and there are significantly fewer guarantees when the decision is not recorded at the registry. She asked if there are also wetlands. Staff said there is wetland in the back of the property and on the far side of the brook.

Mr. Hannon said the area is existing patio and grass and the addition is minor.

Staff said she had recommend the NOI be filed because it is work within two resource areas but they applicant had chosen to proceed with a RDA knowing the risk that the Commission may require a Notice of Intent. She said the disturbance associated with the footings should be minimal however.

Mr. Hannon said he could develop a summary for how they will protect the resource areas and submit that to the Commission.

Mr. Weinberg he would be agreeable to proceeding with the RDA if the owner provides a signed, notarized letter drafted by an attorney's office that they will comply with the conditions.

Ms. Charles Lis asked about roof top runoff and the rate of discharge to the stream. Mr. Hannon said he will address that.

Motion by Mr. Weinberg, second by Ms. Francis, to continue the hearing to the October 6 meeting. Vote: 6-0.

**Request for Determination of Applicability
234 Commercial St./Sweeney**

Kevin Sweeney was present representing the applicant, Lauren Sweeney. He said they had recently purchased the bank-owned property. It has been vacant. They are proposing an addition to it. He gave a copy of the plot plan to the Commission. Ms. Feldman clarified that the addition is not within the floodplain and it is 75 feet from the Monaquot River.

Ms. Charles Lis noted for the record that this project is significantly different than the 162 Walnut St. project and in this case, she does not object to the RDA. She suggested adding a condition for erosion control around any stockpile or dumpster areas. Staff said the condition as drafted included erosion control around the perimeter of the work area which could include stockpile and dumpster locations.

Mr. Sweeney said there is a line of boulders along the river and the water flows toward Commercial St. rather than toward the river. Staff will work with him on the erosion control.

Motion by Ms. Francis, second by Mr. Weinberg, to issue a negative Determination of Applicability with the condition as drafted. Vote: 6-0.

**Notice of Intent
8-641 128 Town St./BSC Partners LLC and Town of Braintree**

Scott Lacy, attorney representing BSC Partners was present with Dan Campbell, engineer from Level Design Group.

Mr. Lacy said they filed with the Commission in relation to the proposed sports facility at the High School. He said they have been in the zoning process for months and revised the drainage design which includes work within the buffer zone.

Mr. Campbell explained the drainage design. Drainage is through the fields toward the wetlands next to Sunset Lake. Originally they were going to tie into the existing pipes but the Town was not confident in the drainage system. As an alternative, they are proposing to reuse the outfalls of the existing drainage system but install their own system. They leave the pipes in the field alone but add their own drain line and a sewer line. He said drainage calculations show that the parking lot should flood but in reality it hasn't. To mitigate for that they added a manhole weir to direct flow to their system.

Mr. Campbell said the majority of the site is outside the buffer zone. Work in the buffer zone includes tying into the sewer line and tying into the existing headwall.

Ms. Feldman said Sunset Lake is an important resource and the Commission needs to understand how this project affects the lake. Mr. Campbell said they are not modifying anything near the lake. They are in the buffer zone to the wetlands which feed the lake. He said they are about 600 feet from the box culverts under the road which feed the lake.

Mr. Campbell said there is a choke point in the junction of the existing drainage system which stops flow. They are improving that which leads to an increase in rate for the two year storm. They are putting in a 30 inch pipe to serve as a pressure relief for the system. The rate decreases in every other storm event.

Ms. Charles Lis asked about pre-treatment of the stormwater runoff. Mr. Campbell said they are using an "isolator row" in the stormtech infiltration system which is considered pre-treatment and has a 72% TSS removal rate.

Staff asked about the soil test pits. Mr. Campbell pointed them out to members. He said the groundwater is too high to be considered infiltration. They included mounding calculations which show mounding to just below the infiltration system. He said there is a 4 inch subdrain from each system which discharges to stone then overflows to the main line.

Mr. Weinberg said the amount of material involved in the drainage system requires a review by an independent engineer. He said he also concerned about the lower end of Andersen Rd. Mr. Campbell said their discharge point is about 7-8 feet below Andersen Rd.

Ms. Feldman asked if the fields are typically wet. Mr. Campbell said they probably are at times but they are improving the situation by removing flow from the pipes under the field.

Staff said she would like to see a peer review and noted that the Planning Director spoke to the Town Engineer who indicated he does not have the time to review this project.

Ms. Charles Lis said it would be helpful to have responses to issues raised in the staff report and then put the project out to review. She has concerns about taking runoff from the parking lot and moving it over to another drainage point. She said it is problematic to increase runoff in the 2 year storm; it is the most frequent of the design storms. Mr. Campbell said it is pressure relief for the system.

Ms. Charles Lis asked about the note on the plans about temporary soil disturbance in the wetland. Mr. Campbell said that is a mistake. She asked if the stormwater checklist had been done. Mr. Campbell said it had been done. She also asked that he address staff comments in writing and said that the project should meet the stormwater standards for new development. Mr. Campbell said they are meeting the standards. They are treating all the flow that comes into their system. Ms. Charles Lis asked about the leaching catch basins. Mr. Campbell said they are landscape catch basins – 2 feet round.

Ms. Charles Lis asked if they had considered Low Impact Development practices to manage stormwater. Mr. Campbell said it is not a good site for that. Ms. Charles Lis said there are

always small opportunities for it and especially next to the high school it would be appropriate. Mr. Campbell said he would address this in a narrative.

Motion by Mr. Weinberg, second by Ms. Francis, to continue the hearing to the October 6 meeting for a peer review of the plans and drainage components. Vote: 6-0.

Other Business

Enforcement- 505 Commercial St.

Krish Patel, owner of 505 Commercial St. was present with James McGrath, surveyor. His wetland consultant prepared a document for the Commission with two planting options in response to the enforcement order and discussion at the August 4th meeting. One option, preferred by Mr. Patel, is to plant the replacement trees around the perimeter of the property. The other option is to plant the replacement trees back in the 100 foot buffer zone. Staff said she prefers they be planted in the buffer zone since that is where they were removed and this is an enforcement action.

Ms. Charles Lis asked about the timing of the planting, given the current drought conditions. Mr. Bears suggested pushing back to May 15th requiring 75% survival for two growing seasons. Staff will send an updated letter to Mr. Patel to amend the timeline for replanting.

Mr. McGrath had prepared a plan of the 100 foot buffer showing locations of existing trees and stumps of those removed.

Staff said an abutter, Pearse McDermott, who was not able to attend had sent a letter by email which she read aloud.

Mr. Patel said he removed the trees because people are dumping trash and he wants to clean the area up.

Mr. McGrath asked if they could remove dead trees. Staff said the area should not be altered, noting that dead trees provide wildlife habitat.

Motion by Ms. Charles Lis, second by Ms. Feldman, to amend the enforcement order for 505 Commercial St. and require that trees be planted in the buffer zone by May 15, 2017 and that at least a 75% survival rate after two years is achieved. Vote: 6-0.

Hunting Inquiries

Staff said she had received inquiries on the status of hunting on conservation land. She told the parties that it currently is not allowed. Mr. Murphy said the Mayor held discussions on the deer population last year but no action was taken at that time.

Open Space Guide

Mr. Murphy said once the guide is finished his printer is willing to help on the project. Staff will work on completing the guide.

Conservation Ranger

Staff suggested increasing the hourly rate of the ranger by one or two dollars an hour. He is a dedicated employee and has been working in the position for close to three years. Staff hopes he will stay in the position. He works twelve hours a month and is paid out of the conservation fund.

Motion by Ms. Francis, second by Ms. Charles Lis, to increase the Conservation Ranger pay by two dollars per hour. Vote: 6-0.

Update from Ms. Feldman

Ms. Feldman and staff attended an informational meeting on the Wetlands Protection Act and gas pipelines. Ms. Feldman said there is a proposal for a pipeline through Pond Meadow Park and Fore River. She said Weymouth has already done a lot of work on this issue, especially the proposed compressor station on the Fore River. She said once the pipeline gets a Certificate from the Federal Energy Regulatory Commission the route is not changeable. Also they have eminent domain rights. She said Commission review would be limited to access, water control, invasive species management and restoration.

Ms. Francis said the compressor station is proposed to be near the Fore River bridge in a densely populated area. Ms. Feldman said it affects Braintree and the Commission should be aware of it.

Update from Ms. Charles Lis

Ms. Charles Lis said she read in the paper about a proposed tree ordinance. Mr. Murphy said it has to do with BELD removing trees near their power lines. Ms. Charles Lis said the Town should have a tree warden. She added that there is state law regarding public shade tree removal.

Approval of Minutes – August 4, 2016

Motion by Ms. Francis, second by Mr. Bears, to approve the minutes of August 4, 2016. Vote: 6-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Bears, to adjourn the meeting at 9:15 pm. Vote: 6-0.