

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

CONSERVATION COMMISSION MINUTES THURSDAY, APRIL 6, 2017 7PM TOWN HALL- JOHNSON CHAMBERS

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

Absent: Joyce Albrecht

Public Hearings

Notice of Intent

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

Ms. Charles Lis said the applicant had requested the hearing be continued to the May 4 meeting.

Motion by Mr. Weinberg to continue the hearing for 8-641 to the May 4 meeting. Second by Mr. Bears. Vote: 6-0.

Notices of Intent

8-646 70 Jensen Farm Rd./LF Properties, LLC

8-647 80 Jensen Farm Rd./LF Properties, LLC

8-648 60 Jensen Farm Rd./LF Properties, LLC

8-649 50 Jensen Farm Rd./LF Properties, LLC

8-650 40 Jensen Farm Rd./LF Properties, LLC

8-651 30 Jensen Farm Rd./LF Properties, LLC

Staff said the applicant had requested these hearings be continued to the May 4 meeting.

Motion by Mr. Weinberg to continue the hearings for 8-646 through 8-651 to the May 4 meeting. Second by Mr. Murphy. Vote: 6-0.

APPROVED

Notice of Intent
8-652 55 Hemlock St./Gauthier

Shawn Hardy, project engineer, was present with John (Jack) and Joanne Gauthier. Mr. Hardy said they had revised the plans to address the comments raised at the last hearing. They pushed back the retaining wall and provided a planting plan. Mr. Hardy said the wetland scientist, Ken Thompson, had met with staff on the site and added a few flags as staff requested. He said 33 trees were removed and 68 trees and shrubs were proposed as a replacement. He said this is 2:1 replacement and noted that many of the stumps would be left and would re-sprout.

Mr. Murphy said it seemed they had done everything that was asked.

Ms. Charles Lis said she also appreciated the effort and noted that it was good discussion on the bylaw and that clarification of the 25 foot no-disturb is needed. She asked about the grading shown to the edge of the lawn; if that was currently lawn. Mr. Hardy said it was. He said it is still a balanced site, even though they pulled back the retaining wall the material from the pool excavation will be distributed through the site.

Ms. Charles Lis said the planting plan looked reasonable.

Councilor Owens from District 5 said he rose in support of the project. He said he appreciates the owner's effort to enhance his property. He had concerns about replanting at a 3:1 ratio and said that the 2:1 ratio was in keeping with what was required up the hill at 1091 Liberty St. He said the additional trees would create privacy.

Staff clarified that the tree policy requires different replanting ratios depending on from where the trees are removed. Trees removed in the inner buffer zone require more replacement. This is in an effort to discourage tree removal close to wetlands in order to protect the wetlands.

Councilor Owens said there is not as much wetland on this property and 3:1 would be an unnecessary burden on a homeowner.

Ms. Charles Lis said staff would draft conditions for the next meeting. Mr. Weinberg clarified for the applicant that they would have an opportunity to review the conditions before they are voted on at the next meeting.

Motion by Mr. Weinberg to proceed to draft conditions for 8-653 55 Hemlock St. Second by Mr. Bears. Vote: 6-0.

Notice of Intent
8-653 8-10 Arnold St./Lang

Garret Tunison was present with the applicant George Lang, attorney Brian Palmucci and engineer Shawn Hardy.

Mr. Tunison said the project was for emergency pipe repair done in January. The pipe was blocked with sediment and collapsed which caused flooding to businesses on Arnold St. At that

time they replaced a 70 foot section of the pipe and hand dug an area of swale from the pipe to the river. The area has been stabilized but they propose to upgrade the swale to make it wider and prevent it from caving in. They will seed it and tack down jute mesh.

Ms. Charles Lis asked if they had seen the staff comments. Mr. Tunison said he had. He responded to DEP to explain there is not an impact to Bordering Land Subject to Flooding and said the area of bank alteration is only about 2 feet wide by 2 feet long. Staff said she was satisfied that there was not an impact to bordering land subject to flooding and that she had drafted conditions.

Ms. Charles Lis asked why the applicant had not requested an Emergency Certification. Mr. Palmucci said no one knew the pipe was there until the abutter had it "camera'd" and at that point the DPW Director said to fix it immediately. Staff said she would remind the DPW and the Building Inspectors of the provisions for Emergency Certification so that she can issue them when needed.

Staff reviewed the draft conditions.

Motion by Mr. Murphy to issue the conditions for 8-653. Second by Ms. Feldman. Vote: 6-0.

Request for Determination of Applicability 955 Liberty St./Myshqeri

Besim Myshqeri, homeowner was present. Mr. Myshqeri said he wanted to ease the slope in his backyard less than 2 feet by building a rock retaining wall and leveling the yard. He said he was not doing a patio extension as he had said in the application.

Staff said she was still struggling to understand the proposal as it has changed several times. She said the Commission's concern is protecting the wetland and there is an existing driveway between the wetland and the yard area. As long he puts up erosion control there shouldn't be a problem but he needs to keep in mind the provisions of the Town's grading bylaw and will need to file for a grading permit if he exceeds the thresholds.

Mr. Weinberg asked about how the work would be done, if machines would be used. Mr. Myshqeri said the rocks were on site on would be moved by hand. Staff said the landscapers proposal said heavy equipment would be used, a bobcat and mini-excavator. Ms. Charles Lis suggested adding a condition for street sweeping. Ms. Charles Lis asked if he was bringing in soil. Mr. Myshqeri said he was not bringing in soil, he was moving it from one side of the yard to the other.

Ms. Charles Lis said the Commission typically doesn't require survey plans from homeowners with small projects but that providing a sketch plan or marked up plot plan in the future would be helpful.

Motion by Mr. Weinberg to issue a negative Determination of Applicability with conditions as drafted as well as additional conditions for street sweeping and for staff to meet with the contractor prior to the start of work. Second by Mr. Bears. Vote: 6-0.

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

Other Business

Discussion on Proposed Pipeline/Compressor Station

Mike Lang from the East Braintree Civic Community was present. Mr. Lang had requested the Commission add this topic to the agenda. He said he saw a letter from the Massachusetts Association of Conservation Commissions and wanted to know why Braintree hadn't signed on to it.

Ms. Charles Lis said the Commission had a discussion about signing on and some were in favor but some were not. Since it wasn't unanimous, they didn't sign on.

Ms. Feldman said it was a general letter and not specific to the proposed compressor station in Weymouth.

Mr. Lang said he would like to talk about the proposed compressor station. Compressor stations are not normally in populated residential areas like this one; they are in remote areas. He said he is not against pipelines but is against this location. He gave the Commission a document listing accidents from 1993-2012. He said an accident in this area would be devastating; 33,000 cars per day pass by the site. It is proposed to be next to an MWRA pump station with fans that suck air in. He said a compressor station shouldn't be between a pump station and gas blowdown.

Ms. Feldman said she understood that FERC makes the decision and there is little a community can do to stop a pipeline or compressor station. Mr. Lang said FERC makes the decision but they don't oversee safety. The DOT oversees safety and their regulations say can't put in an area with nearby pump station but they don't have a distance in their regulations. The Twin Rivers facility is also nearby and supertankers are in the river.

Mr. Lang said Weymouth has them in court. The Weymouth Conservation Commission denied the Order of Conditions and MA DEP is waiting for Ch. 91 and Coastal Zone Management to weigh in. Mr. Weinberg said citizen advocacy means a lot.

Mr. Lang asked the Commission to send a letter opposing the project to the Mayor and to FERC.

Ms. Feldman asked about BELD's position. Mr. Lang said they have nothing to do with it.

Ms. Charles Lis thanked Mr. Lang for coming to the meeting and educating the Commission on the issue.

Commission members agreed that they would like to consider a letter of opposition to the compressor station.

Staff will draft a letter for the Commission's consideration for the next meeting.

**Request for Extension Permit
8-474 Buker Estates/Preston**

Norman Preston, builder was present. He said the 7 lot subdivision was approved in 1999. There are two lots remaining. The replication area was done in 2001 by Mario DiGregorio, wetland scientist. It was planted according to plans and he followed up but there is nothing in the file. He has hired a new wetland scientist, Brad Holmes, to work on the replication and Mr. Holmes prepared a replication report for the Commission.

Mr. Weinberg asked if Mr. Preston had tried to contact Mr. DiGregorio. Mr. Preston said he had passed away.

Staff viewed the replication area and said there are some highbush blueberry and sweet pepperbush but the hydrology is not there.

Ms. Charles Lis said the Commission could issue an extension this meeting or the next meeting or not at all as they are not obligated to issue extensions. Mr. Weinberg said he preferred to wait.

Ms. Charles Lis said the plan was detailed and included microtopography. She suggested waiting until the next meeting to issue the extension and that the replication could get underway in the meantime. Mr. Bears agreed.

Mr. Preston said if the Commission doesn't extend the permit he will be back for an Order of Conditions which will be the same and the work is almost all done.

Ms. Charles Lis said they would be likely to extend it if the replication work gets underway.

**Request for Certificate of Compliance
8-638 385 Quincy Ave./Citgo Petroleum**

Staff recommended issuing the Certificate of Compliance and releasing the \$2000 as-built guarantee.

Motion by Mr. Murphy to issue the Certificate of Compliance and release the \$2000 as-built guarantee. Second by Ms. Feldman. Vote: 6-0.

Summary of 3/23/2017 Ivory St. Corridor Presentation

Staff gave a brief update on the Ivory St. Corridor Presentation by the regional planning agency (MAPC). She said it include mixed-use development around the T Station and included a conceptual walkway along the Monatiquot River. She said everyone who commented was

supportive of a walkway along the river. There are logistical challenges because much of it is below grade of adjacent streets and/or entirely in wetlands and would need to be a boardwalk but it is something to pursue.

Open Space Guide

Staff passed around the latest draft. She asked if the members would like to continue working on it or whether it should be finalized so it can be printed and available for the Memorial Day bench/tree dedication for Pat Flynn. Members said it is important to get the guide out for Memorial Day but that it is up to Joyce Albrecht. Staff will contact Joyce to see what she would like to do.

Approval of Minutes – March 2, 2017

Motion by Mr. Weinberg to approve the minutes of March 2. Second by Mr. Bears. Vote: 6-0.

Adjourn

Motion by Mr. Weinberg at 9:00 pm to adjourn the meeting. Second by Mr. Bears. Vote: 6-0.