

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, JUNE 1, 2017 7PM TOWN HALL- AUDITORIUM

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

Christine Stickney, Planning Director was also present.

Absent: none

APPROVED

Public Hearings

Notice of Intent

8-657 Commercial St. – Smelt Brook/Town of Weymouth
Joint Hearing with the Weymouth Conservation Commission

Present from Weymouth Commission: Thomas Tanner, Chairman; John Reilly, Vice-Chairman; Scott Dowd, Clerk; Frank Singleton, Commissioner;

Not present: George Loring, Commissioner

Also present: Mary Ellen Schloss, Conservation Administrator

Ms. Charles Lis opened the hearing under the both the state Wetland Protection Act and Town of Braintree Wetland Bylaw and thanked the Weymouth Commission for coming to Braintree.

Chairman Tanner called the June 1, 2017 joint Conservation Commission meeting to order at 7:00 p.m. in Cahill Auditorium at Braintree Town Hall, 1 JFK Memorial Dr., Braintree, MA.

On a motion made by Cmmr. Dowd, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to open the public hearing.

Ms. Schloss noted that Weymouth had not received a DEP File # yet. Braintree staff clarified that the DEP File # had not been received yet either but that it is the number anticipated.

Appearing before the Commissions were Weymouth Planning Director Robert Luongo, Jonathan Spicer and Christopher Ianuzzi, EBI Consulting, and Thomas Liddy, Lucas Environmental.

Smelt Brook originates at the Pond Meadow Reservoir dam and then flows to the 96" flood control culvert and fish gate, and into the 72" culvert under Brookside Street. Smelt Brook, in the work area, flows under 6 parcels (3 different owners). The Town does not own any of the land on which the project will occur.

Jonathan Spicer, EBI, said the culvert under Commercial Street will be replaced, 150 feet of daylighting will be provided between three commercial parcels and 10 feet of substrate improvements, downstream of daylighting, will tie into an existing 72" culvert. Ninety feet of upstream substrate improvements will be provided in the new Commercial Street culvert.

Bob Luongo, Weymouth Planning Director, said that details of the landscaping features have not been ironed out yet. He also said that they have received Mrs. Papadopoulos' approval, but she did not want to provide land for the daylighting.

A resident asked what kind of substrate would be used and why. Tom Liddy, Lucas Environmental, explained that they want hard, stony substrate to achieve a velocity of 1½ - 3 cubic feet per second (cfs) and a water depth of 6"-12". He said they will use 4"-8" of cracked stone embedded in a geomembrane.

Chairman Tanner asked about the work in Commercial Street. Christopher Ianuzzi of EBI responded that there will be half-road closures and it will take 1-3 months for the project construction. They will work with the communities to determine best times to do work in Commercial Street.

Water depths and stormwater coming into the culvert were discussed.

Construction procedures:

Close upstream and downstream openings: close culvert opening at the Fore River and close the fish gate;

Work in the dry;

Install coffer dam, shoring/sheeting, pumping system for diversion of water and construction area dewatering;

Cmmr. Dowd asked if EBI has worked with Brad Chase of Division of Marine Fisheries (DMF); Mr. Ianuzzi said they have.

Cmmr. Dowd asked about stormwater runoff and snow management; Mr. Ianuzzi said excessive snow will be taken off-site.

Cmmr. Dowd asked what the decorative fence will look like; Mr. Ianuzzi explained that the fence will be 4' or 6' tall on top of the culvert and will have vertical bars with 8" spacing, similar to Town Brook in Quincy.

Cmmr. Dowd said he had some concerns regarding trash and the dumpster pad.

Mr. Luongo stated that the walkway will be maintained by Weymouth (Delegas granted easement to Weymouth) and the Commercial St. culvert will be jointly maintained by Weymouth and Braintree.

Cmmr. Dowd asked about night time lighting, explaining that the Commission will want to minimize the direction of light toward the brook. Mr. Luongo said they will probably want to match the light pole design as seen along Commercial St., adding that the lighting will be pedestrian-focused.

Cmmr. Singleton asked where the runoff from the Delegas building roof is going; Ms. Schloss answered that the Brookpoint roof will discharge into the drain system.

A resident commented that the substrate used in the Quincy Town Brook project was not wildly successful for egg laying.

Mr. Liddy said that Lucas Environmental did a 3-year monitoring for smelt after the Quincy Town Brook daylighting:

Year 1 – good amount of eggs
Years 2 & 3 – fewer eggs
Post construction monitoring – lots of eggs

Mr. Liddy explained that smelt are in decline and there are lots of ups and downs (of numbers of eggs) from one year to the next.

Cmmr. Singleton said he wanted to be assured that no storm drains were shooting into the stream.

Braintree Cmmr. Feldman asked about the landscape plans. Mr. Liddy responded that they were doing landscape plans but saw some conflicts with the Landing 53 landscape plans and have some things to work out.

Braintree Chair Heather Charles Lis stated that she would like to see more native species on the landscape plan.

Braintree Cmmr. Weinberg asked if a water quality analysis has been done. Mr. Liddy explained that a water quality analysis was not part of the scope.

Braintree Cmmr. Weinberg asked if a 401 Water Quality Certificate would be needed. Mr. Liddy said this project doesn't trigger a 401WQC requirement.

Braintree Commr. Bears discussed landscape conflicts and asked when they would be seeing the revised plans. There was general agreement among Braintree Commissioners that all native species are wanted.

Mr. Luongo, Weymouth Planning Director, said they will be getting comments from the state and want to see any design changes before the final landscaping revisions are made.

Ms. Phelan said she would circulate the landscaping plan for Landing 53.

Braintree Cmmr. Francis asked about runoff from the adjacent project sites. Ms. Phelan said there are Stormceptors and infiltration for the Landing 53 project.

Braintree Chair Heather Charles Lis said, regarding stormwater management, that the Stormceptor insert has not been accepted by MASTEP; they are crediting 25% Total Suspended Solids (TSS) removal only. She said a Stormceptor is overkill. Mr. Ianuzzi said he would work on the design, suggesting perhaps a shallow rain garden with scuppers.

Braintree Chair Lis stated that a construction sequence will be required as part of an Ecological Restoration project. She also asked about the NOI statement regarding contaminated soils.

Mr. Liddy said they have a Licensed Site Professional on staff. He said they have no knowledge of contaminated soils; he said the language in the NOI was a generic statement regarding the potential of encountering contaminated soils.

Braintree Chair Lis asked about erosion controls. Mr. Ianuzzi said they would prepare a more detailed Erosion Control Plan.

Mr. Liddy said the daylighting may occur before the Brookpoint project is constructed and if so, they can use the Brookpoint property for staging.

Mr. Luongo said the municipal lot can also be used for staging.

Braintree Chair Lis asked how they will manage the storm drains during construction. Mr. Spicer explained that the catch basins, on either side, drain into the culvert will have to be diverted.

Weymouth Cmmr. Singleton asked about back up from the tide and if it was incorporated into the daylighting design.

Public comments:

Michael Lang, East Braintree Civic Association, asked if the wall will be high enough so it is not overtopped. He said he wasn't very happy with the grates over the brook and asked if the brook could be pushed closer to El Serape. He said that, during the Greenbush Project, he talked with Brad Chase, DMF, who said he wanted daylighted section close to the river so fish could sense light. He asked if this proposal has daylighting too far upstream. Mr. Liddy said Brad Chase is happy with this design.

Mr. Luongo agreed explained that this project design and timing are different because Mr. Katzen was already underway with the Landing 53 project when the engineers were brought on board.

Braintree Chair Lis expressed that she wanted the Braintree and Weymouth Conservation agents to co-ordinate on the Orders of Condition.

Motion by Mr. Bears to continue the hearing to July 6th. Second by Ms. Feldman. Vote: 7-0.

The Weymouth Conservation Commission voted unanimously to continue the hearing to 7p.m. on Thursday, July 6, 2017 in Braintree for a joint public hearing with the Braintree Commission.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to adjourn at 8:00 p.m.

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

Motion by Mr. Murphy to continue the hearings to August 3rd. Second by Ms. Francis. Vote: 7-0.

Notice of Intent

8-652 55 Hemlock St./Gauthier

Ms. Charles Lis noted that the applicant and his engineer were present. Shawn Hardy, the project engineer said that they had first been heard in March and they came back in April and had addressed the Commission's concerns with the 25 foot buffer and provided a planting plan. The hearing was continued to the May meeting for draft conditions but they weren't enough members who were eligible to vote at that meeting so the hearing was continued to tonight's meeting.

Ms. Charles Lis noted receipt of a letter from Commissioner Kevin Bears. She asked the applicant if they had received the letter. Mr. Hardy said they had. She asked Mr. Bears if he would like to comment. Mr. Bears said he would like to hear from the other Commissioners.

Mr. Murphy said he was under the impression they were going to draft conditions. He was surprised to see the letter from Mr. Bears dated May 30th as he did not think there were any problems.

Ms. Feldman asked staff if the conditions included planting and monitoring. Staff said they did. Staff said the violation was discovered when she went to do a site visit for the pool. She noted it and said that a restoration plan was needed. They provided a restoration plan but at a 2:1 ratio. The Commission seemed to accept that and voted to proceed to draft conditions.

Mr. Hardy said that they pushed the retaining wall back and this will keep out of the 25 foot no-disturb buffer. They also agreed to no stumping as part of the restoration. He said single-family owners are exempted from the 25 foot no-disturb buffer and the tree policy also acknowledges that they may be exempt based on lot constraints.

Ms. Charles Lis noted the receipt of the letter from Ken Thompson, botanist for the project (dated April 18, 2017). In the letter, Mr. Thompson notes that revegetation by stump sprouting rather than replanting is commonly accepted in gas pipeline projects. Ms. Charles Lis said she disagreed with that as the only method of revegetation; it takes many years to revegetate and planting is needed to help the process along.

Ms. Charles Lis said Mr. Bears raised legitimate concerns in his letter. She said the timing is not ideal but the hearing is still open and they can be discussed.

Mr. Murphy said it was not fair to the applicant to reopen this for discussion.

Mr. Bears said the Commission has been a lot easier on this project than on the 1091 Liberty St. project. He said the problem is in this area. He made a site visit and there is water everywhere. He said a site visit was needed.

Ms. Francis said that from the photo in Mr. Bears' letter the area appeared to be clear-cut.

Mr. Hardy said 1091 Liberty St. is a vacant lot being developed unlike this which is an existing house. He said the tree policy recognizes that existing single-family houses may be exempt from the policy. He said they increased the size of the buffer to try and comply with the Commission's request.

Ms. Francis asked if the trees would better the situation. Mr. Hardy said they were planting 68 trees and shrubs and the planting will be overseen by the botanist. Mr. Hardy said they were prepared to accept the conditions.

District 5 Councilor Michael Owens said it seemed that a portion of the Commission was in favor of the 2:1 replanting ratio. He said that 2:1 is reasonable. He said Mr. Gauthier is improving his property to his benefit and the benefit of the surrounding neighborhood. He said the 1091 Liberty Street is a million dollar development project – this situation is a private owner improving the situation. He doesn't believe this will exacerbate flooding. He said each project is different and that he is in support of the project. He said a site visit could have been done but at this point, it is going in an opposite direction. He was concerned with Planning Board remarks regarding the applicant's prior employment as a building inspector.

Ms. Francis asked if the trees have been planted. Mr. Hardy said no, they are waiting for approval.

Ms. Feldman asked if the trees would help with flooding. Staff said trees transpire a lot of water which can help.

Ms. Charles Lis said the Commission tries to be fair. She the homeowner should have been aware of the wetlands issue and that it was fair to factor that in. She said it was important to be consistent with applying the tree policy and suggested modifying the decision.

Mr. Murphy said he has been on the Commission for a number of years and they have always been flexible.

Mr. Bears said the Commission agreed to do a site visit but it didn't happen. Ms. Charles Lis said that is an issue but we need to move forward. She suggested in future prioritizing site visits for violations or other complex projects.

Staff noted that the Planning Director was present and could speak about planning board review. Ms. Stickney commented the project includes grading which is a major concern for the Planning Board given the history of flooding in this neighborhood. She said the grading ordinance requires 3:1 tree replacement. She said they asked the botanist to add more trees to reach the 3:1. Mr. Gauthier commented 10 additional trees only makes 58 trees and Ms. Stickney responded that the stumps left behind to revegetate were included to reach 3:1 and they are giving him credit for that.

Ms. Charles Lis asked if the Commission wanted to modify their decision to be consistent with the Planning Board. Mr. Bears said yes but he is not ok with the arbor vitae being used as they are basically a landscaping plant and not appropriate in a restoration plan. Mr. Hardy said the applicant had not agreed to the 10 extra trees.

Councilor Owens commented the applicant didn't know the trees were in the wetland area. Ms. Charles Lis explained that wetlands are defined by vegetation and hydric soil.

Mr. Murphy asked what about the difference between arbor vitae and other trees. Ms. Charles Lis said they are not native and do not have as much wildlife and biodiversity value.

Ms. Charles Lis asked members individually for their opinions.

Ms. Albrecht – couldn't hear response.

Mr. Murphy said he was prepared to offer a motion to approve the Order as drafted.

Ms. Feldman said she was not in a position to vote as she had missed the first hearing (and audio of that meeting not available).

Mr. Weinberg said willows would be appropriate as much better for water transpiration.

Ms. Francis said it is better to be in line with the Planning Board decision and have a 3:1 ratio. She said the tree removal was egregious.

Ms. Francis said she would support being consistent with the Planning Board draft condition. She asked Mr. Gauthier if he would be willing to add 10 additional trees. Mr. Gauthier said he would if that is what it takes to get approval.

Mr. Hardy said no abutters came tonight they had requested screening which is why the arborvitae were included.

Motion by Mr. Murphy to issue the conditions with 10 additional trees to be consistent with the Planning Board draft decision.

Point of clarification by staff- only certain members can vote due to prior absences. The members that can vote are Joyce, Kevin, Alan, Diane and Heather. (Joyce listened to the audio of the April 6th meeting.)

Motion by Mr. Weinberg to issue the order of conditions with ten additional trees for the property at 55 Hemlock St. Second by Ms. Francis. Vote: 5-0.

Motion by Mr. Weinberg to find the project significant to the Wetland Protection Act interests and the local Braintree bylaw. Second by Ms. Albrecht. Vote: 5-0.

Motion by Mr. Weinberg to close the public hearing. Second by Ms. Albrecht. Vote: 5-0.

Notice of Intent

8-655 71 Adams St./A. Graziano, Inc.

Attorney Jonathan Young was present with project engineer, Shawn Hardy and environmental consultant Garrett Tunison. Also present was Dennis Graziano.

Mr. Young said 71 Adams Street is presently under contract for sale. It is approximately 16 acres with a small building/garage and a small batch plant presently on the site. He said there are issues with the floodplain and auto shredder residue on the property. The auto shredder residue was brought in several decades ago when it was not illegal. He said there is an existing Order of Conditions on the property but it has expired and continues to be a cloud on the title. He said the batch plant will remain operational until the property has been sold. The plan is for

multi-family housing development with 2 bedrooms – 170 units overall. He believes it would be a good development for the Town.

Mr. Hardy showed the plan approved under the expired Order of Conditions (8-550). It was for a new garage and a new batch plant and included fill and compensatory flood storage. The fill was done around the garage to elevate it out of the floodplain. The proposal was to compensate around the batch plant but that part of the project was never completed.

Mr. Hardy said as discussed at the recent ANRAD hearings for the property that a new Order of Conditions would be required to address the outstanding compensatory flood storage and the Commission requested it be closer to the river. He showed the currently proposed plan with grading along a few areas of the river and in the back of the site. These locations were chosen because there is not auto fluff in these areas. He said they are trying to balance the issues. He said the site floods because of the culvert under Adams St.

Mr. Tunison said they heard during the ANRAD process that the Commission wanted the flood storage closer to the river but the auto shredder residue limits the area available. He said mitigation of the auto fluff will cost millions of dollars. The current owner is not able to do this mitigation. George Lang will deal with it when he purchases the property.

Mr. Murphy asked how deep the auto shredder residue goes. Mr. Tunison said beyond 5 feet in some locations but it varies.

Ms. Charles Lis asked about other options like removing the block wall or the garage. Mr. Young asked why. Ms. Lis said to provide storage at the correct elevation. Mr. Tunison said the family wants to keep the operation going until the property is sold.

Ms. Charles Lis said she appreciates that it is a difficult site but that what is proposed doesn't meet the regulations, flood storage has to be provided at the same elevation. Mr. Hardy said they could put it back where it was originally proposed - in the center of the site. Ms. Charles Lis said there is not a hydraulic connection. Staff asked about creating a connection by grading in the hatched area in front of the garage. She noted the other concern that the site is active with trucks coming in every day and the possibility of an area being filled back in is quite high. Mr. Young said they could look at grading in that area in the future. Staff said there are no guarantees that anything would ever be done in the future.

Ms. Feldman asked how much of the site they tested for the auto fluff. Mr. Tunison said they tested throughout the site.

Mr. Hardy will work on options for creating a hydraulic connection.

Motion by Mr. Weinberg to continue the hearing to July 6th. Second by Ms. Francis. Vote: 7-0.

**Request for Determination of Applicability
180 Allen St./University Avenue Norwood, LLC**

Mike Sheehan, Director of Management of Norwood LLC, was present. He said they purchased the property in the late fall of 2016. They need to address a safety issue. There is a big drop off coming out of an emergency door. They would like to construct a walkway and remove a deteriorated fence. They also plan to repave the parking lot. He said they support the recommendation of staff.

Ms. Feldman asked how close they are to the river. Staff said the work is proposed about 100 feet from the river. She said she tried to be very specific in the conditions for this project, specifying the width and length of the walkway and requiring a planting plan among other things.

Ms. Charles Lis said it could have been a Notice of Intent since they are adding impervious surface in the Riverfront Area. She said more detail would be helpful as it is a lot to consider.

Mr. Sheehan said it is a safety issue and was noted by their insurance company. He said they could use crushed stone instead of concrete. Ms. Charles Lis said that would be better.

Abutter John Barrett said he owns three homes and abuts the building. He said he received notice of the hearing only on Friday and his attorney had not had time to review the project. He said he didn't understand the process and he is concerned about the change in use of the property.

Ms. Charles Lis clarified that with this type of application (RDA) the proponent is not required to send out notice. Staff said notice is required under the local bylaw for RDA applications. The applicant provides envelopes addressed to the abutters and staff sends notice on the day the legal ad runs in the Patriot Ledger. The legal notice must run at least 5 business days before the hearing. The legal ad for this project ran on the previous Wednesday, which is when the notice to abutters went out.

Mr. Barrett asked about repaving the lot. Mr. Sheehan said they are repaving the lot and not paving any additional areas. He said they met with Mr. Barrett and the District Councilor and are trying to be a good neighbor. He said the parking lot is in horrible condition.

Ms. Charles Lis asked if it was just a mill and overlay. Mr. Sheehan said yes.

Ms. Charles Lis suggested continuing to the next meeting so the applicant could provide more specificity on his plans. Mr. Sheehan said the access issue is a safety concern and he did not would like to address it now. He said they can repave by right.

Mr. Barrett is concerned about the paving. Staff said repaving is typically considered a maintenance activity. Ms. Charles Lis agreed noting that a full depth reconstruction would

trigger jurisdiction and stormwater management but mill and overlay is considered maintenance. Mr. Barrett asked about runoff to the river. Ms. Charles Lis said strictly speaking repaving is not subject to the stormwater standards but she asked the applicant to consider improvements. Mr. Barrett gave the Commission a picture of a garage door which he said was installed in 2014 in the back of the building. Ms. Charles Lis said structural changes to a building do not trigger Wetlands Protection Act jurisdiction.

Ms. Charles Lis asked members if they would prefer to continue or issue a decision that night.

Ms. Albrecht said the permeable pavement or stone dust would be a better option.

Mr. Murphy said he agreed with the draft conditions but wanted to give the abutter a chance to have his attorney review the project.

Ms. Feldman said it is not clear and more information is needed.

Ms. Francis said she is sensitive to the safety concern and the abutters.

Mr. Bears agrees with the staff recommendation since the work area is approximately 100 feet from the river.

Mr. Weinberg is ready to issue a negative Determination with draft conditions.

Staff suggested the fence could come down and the tree removal necessary to allow emergency egress from the building could take place and the hearing be continued to allow for more information to be provided. Ms. Charles Lis agreed that limited work could be done for safety and suggested that the hearing be continued for additional information, specifically the use of a permeable material for the walkway, a planting plan and any drainage improvements.

Mr. Sheehan said they would work with staff on that but that they have the right to repave and were getting quotes for it.

Motion by Mr. Murphy to allow the applicant to repave and do the emergency access work but not the full walkway and to have them come back to the July 6 meeting with the additional information. Second by Ms. Feldman. Vote: 7-0.

Mr. Barrett asked if the Commission was allowing the applicant to repave. Ms. Charles Lis said yes.

Request for Determination of Applicability 111 Livoli Avenue/Mazzini

Chris Mazzini was present with his wife. He said they were in the process of putting the pool in and also plan to add a garage and cabana. He addressed the questions raised in the staff

report. He said the civil engineer came out to lay out the pool and garage and said the area behind the house was wetlands. Their architect looked at the town's website and said it was not wetlands. Staff said the wetland layer on the website is an estimate by DEP from aerial photos and it doesn't pick everything up. The civil engineer put the wetland on the site plan. He said they started the pool about a month ago. They applied for and received a building permit and didn't know they were supposed to file with conservation. He said the apron (concrete deck) around the pool will be 10'-15' toward the house. He said the trees were cut a few years ago. Some had fallen and one pierced their fence.

Staff noted that the photo provided that night by Mr. Mazzini showed the erosion control had been installed. Mr. Mazzini said it had been installed that day. Ms. Charles Lis asked why it wasn't installed earlier when staff requested it on May 18th. Mr. Mazzini said he had asked the pool contractor to do it and he didn't do it until that day.

Ms. Charles Lis noted that it was a violation that the work had started without a permit.

Ms. Francis asked who owned the property that the trees were dumped on. Mr. Mazzini said they didn't know who owned it. It is wooded. Ms. Charles Lis there is a difference between trees that are cut and trees that fall in place and said at least some of the trees should be removed.

Ms. Charles Lis noted that the hearing would have to be continued for draft conditions. Staff said the standard conditions for this type of project could be used.

Motion by Mr. Murphy to issue a negative Determination of Applicability with standard conditions and condition that woody debris must be removed. Second by Mr. Bears. Vote: 7-0.

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 June 1 meeting.

Motion by Mr. Bears to continue the hearing for 8-641 to the July 6 meeting. Second by Mr. Weinberg. Vote: 7-0.

Other Business

Town Forest

Ms. Charles Lis said the Commission had discussed this at the last meeting. The Boy Scouts had asked the Town to create a parking lot in the Town Forest. The plan developed by the DPW shows

23 parking spaces interior to the forest. Ms. Lis had spoken with Mayor Sullivan about this and expressed that the Commission was not in favor. He feels that the forest is underutilized and that providing more parking would be useful. He is open to considering locating the additional parking on the perimeter of the forest and asked for something in writing from the Commission. Staff drafted a letter for the Commission to sign. Members signed the letter.

Open Space and Recreation Plan Update

No action.

Approval of Minutes – May 4, 2017

Motion by Mr. Murphy to approve the minutes of May 4, 2017. Second by Ms. Francis. Vote: 6-0. Mr. Bears abstained.

Adjourn

Motion by Mr. Murphy at 10:35 pm to adjourn the meeting. Second by Ms. Feldman. Vote: 7-0.