

# Department of Planning and Community Development

1 JFK Memorial Dr.  
Braintree, MA 02184  
781 794-8230



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, MAY 4, 2017 7PM TOWN HALL- JOHNSON CHAMBERS

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

Absent: Joyce Albrecht, Kevin Bears, Diane Francis

### 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 June 1 meeting.

Motion by Mr. Weinberg to continue the hearing for 8-641 to the June 1 meeting. Second by Ms. Feldman. Vote: 4-0.

#### 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

Rob St. John, Director of Planning from Messina Enterprises was present with Ron Marshall, General Counsel from Messina Enterprises and Dr. Bob Ingram, wetland scientist. Mr. St. John said the subdivision was started in 2000 and they kept the Order of Conditions active for years but it had expired. They filed individual Notices of Intent for the six remaining lots in the buffer zone. He said they keep the same home prototype they have used in the rest of the subdivision.

**APPROVED**

Mr. Ingram said the site is very disturbed, there are some areas where there isn't much soil and there are a lot of boulders. He said there is no skunk cabbage, just sweet-pepperbush and red maples. He said he had met with staff on site and thinks they are in agreement on the delineation.

Mr. St. John said they will come before the Town for road acceptance when the project is done and the final pavement is done.

Ms. Feldman asked about 20 Jensen Farm Rd. which the staff report noted should also have a Notice of Intent application. Mr. St. John said they will come back for that lot when they have a buyer.

Ms. Feldman also asked about the house sitting close to the 25-foot buffer. Mr. St. John said that was 50 Jensen Farm Rd.

Mr. St. John said that Mr. Ingram had flagged the wetlands last summer. Staff said she had met with Mr. Ingram twice on site. She noticed the revised plan did not include the flags Mr. Ingram had added the first time and those were in question.

Ms. Charles Lis asked about the variation between the 1999 delineation and now. Mr. Ingram said there was some but nothing dramatic.

Mr. Weinberg asked about the drainage and runoff. Mr. St. John said they will compare pre and post for the entire project and review with the Town Engineer.

Ms. Charles Lis said that a partial as-built would be appropriate. Mr. St. John said they are happy to provide that.

Ms. Charles Lis said they need to comply with the current stormwater standards and the Commission needs a narrative on this, and as noted in the staff report, the recharge requirements have increased. She asked that they provided the stormwater checklist.

Ms. Charles Lis noted that the tree policy would apply and suggested they mark the trees that will need to be removed to get a number on how many are coming out.

Members agreed to do a site visit. Staff will send out potential times and dates.

Motion by Mr. Murphy to continue the hearings to June 1. Second by Mr. Weinberg. Vote: 4-0.

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

Staff noted that there were not enough members present who had heard all of the testimony and eligible to vote on the project.

Motion by Mr. Weinberg to continue the hearing for 8-653 55 Hemlock St. to the June 1 meeting. Second by Mr. Murphy. Vote: 4-0.

**Request for Determination of Applicability  
76 Adams St./Allix**

Andrea Allix was present. She said her house borders the Monatiquot River. She would like to have her landscaper take away brush and burrs in four spots and will leave the trees. Staff had asked Ms. Allix to have her landscaper tag the material in question. She said there are native shrubs like sweet-pepperbush that have been tagged and these should not be removed. She asked for clarification of the scope- was it just the tagged stems? Ms. Allix said it was also the area around the each flag.

Ms. Charles Lis said the riverfront area is more restrictive than the wetland buffer – in the 200 foot riverfront area the first 100 feet are required to be left undisturbed. She said that clearly doesn't apply to existing uses but important to leave what is left. She said there is still value to downed and dead material, it stabilizes the area and provides habitat.

Mr. Weinberg mentioned the possibility of a fire hazard and asked Ms. Allix who is her landscaper. Ms. Allix said Anthony Luongo of Quincy.

Staff said she did not see much potential to remove vegetation from the area. If permitted it should be on the condition that staff be present while the landscaper is doing the work to ensure no native shrubs are removed and that minimal material is removed.

Ms. Feldman said Ms. Allix and the landscaper are willing to work with staff that limited removal could be approved.

Mr. Weinberg asked if the land floods. Ms. Allix said the house has not and she didn't have to buy flood insurance.

Mr. Weinberg suggested an additional condition to read “the landscaper shall meet with staff and staff shall be present during the removal of any vegetation”.

Motion by Mr. Weinberg to issue a negative Determination of Applicability for 76 Adams St. with the additional condition. Second by Mr. Murphy. Vote: 4-0.

**Abbreviated Notice of Resource Area Delineation  
355 & 360(400) Wood Rd./Haemonetics Corporation**

Brendan Mullaney, wetland scientist from Beals and Thomas was present. He said the site is at the end of Wood Rd. at 360(400) and 355 Wood Rd. It is owned by Haemonetics which is a blood management company. He said they are seeking confirmation of the resource area boundaries for planning purposes.

He said there is a pond on the site which does not show up on old USGS maps but they have heard from anecdotal evidence that it has been there for decades and they believe it is a natural pond. He said he flagged the bank of the pond and the bank of the intermittent stream which outflows from the pond and flows into a culvert under the highway. He said there are 812 feet of

bank to the pond and 355 feet of bank/mean annual high water of the intermittent stream. There is also the 200 foot riverfront area.

Mr. Weinberg said it is a kettlepond and they are several of them in the Blue Hills.

Ms. Feldman asked about the small building shown over the pond on the site plan. Mr. Mullaney said it is a pump house; the pond is used for fire suppression.

Ms. Charles Lis asked Mr. Mullaney about the detention pond at 355 Wood Rd. noted in the staff report. Mr. Mullaney said the detention pond and swale were built for stormwater management. Ms. Charles Lis asked it was still functional. Mr. Mullaney said yes, the parking area drains to it. Ms. Charles Lis said she had not had a chance to get out to the site but if staff is comfortable with it she is ok with not taking jurisdiction. She has seen old detention basins which function as wetlands but this does not appear to be one.

Ms. Charles Lis asked about the area on the Blue Hills property which is noted in the staff report. Mr. Mullaney said they have a policy of not flagging on off-site property but he added a note to the plan to for future reference.

Ms. Feldman asked about the riverfront area. Mr. Mullaney said it was associated with the unnamed stream which enters a culvert under the highway. Mr. Weinberg said the stream flows into Town Brook which goes into the old Quincy Reservoir near the South Shore Plaza.

Ms. Charles Lis asked if Land Under Water should be included in the ORAD. Staff felt is captured by the Bank flags. She said it was not called out in the ORAD recently issued for another property. Mr. Mullaney said it was not really necessary. They only request confirmation of it for in-water work but it is noted in the application.

Motion by Mr. Murphy to issue the Order of Resource Area Delineation for 355 & 360 (400) Wood Rd. affirming the resource areas as flagged for Bank to Pond, Bank/Mean Annual High Water to Stream, Riverfront Area and with notation as to potentially jurisdictional area on the adjacent Blue Hill property. Second by Ms. Feldman. Vote: 4-0.

Motion by Mr. Murphy to close the public hearing. Second by Ms. Feldman. Vote: 4-0.

### **Request for Determination of Applicability 8-10 Arnold St./Lang**

Garret Tunison, wetland scientist, was present. Mr. Tunison said this is a continuation of the test pit work done on the 71 Adams St. property. They would like to continue the exploration onto the 8-10 Arnold St. property for planning for compensatory flood storage. The need to excavate three soil pits on the property, using the same methods as on the 71 Adams property – excavating 5-10' foot area, 3-5 feet deep to see if there is auto fluff present. If it is discovered they will sample it and recover it until the final resolution is determined by DEP and EPA.

Ms. Charles Lis said the area is already mapped as bordering land subject to flooding. Mr. Tunison said there is potential to take it down lower.

Ms. Charles Lis asked what if further sampling will be needed if they find the auto fluff. Mr. Tunison said it gives a good idea and they could come back with a hand auger if needed.

Ms. Charles Lis asked that Mr. Tunison provide the sampling protocol as the staff report noted it had not been included. Mr. Tunison said he had provided it early that day.

Staff had prepared draft conditions, essentially the same conditions as the first round of soil sampling.

Motion by Mr. Murphy to issue a negative Determination of Applicability with conditions as drafted for 8-10 Arnold St. Second by Ms. Feldman. Vote: 4-0.

Motion by Mr. Weinberg to close the hearing for 8-10 Arnold St. Second by Ms. Feldman. Vote: 4-0.

## **Other Business**

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

Norman Preston, builder was present. He said the wetland replication had been excavated and planted under the supervision of the wetland scientist, Brad Holmes. A report with photographs had been provided to the Commission. He said it went very well. They dug down to the hydric soil and excavated slightly below that, put in organic compost, planted the shrubs and seeded with a wetland seed mix.

Ms. Charles Lis asked about monitoring. Staff said there is a requirement in the Order of Conditions. Staff said the monitoring reports would be done at the end of this growing season and the following one.

Mr. Weinberg said he would like to hear updates every year. The Commission used to issue only one-year extensions under the local bylaw.

Mr. Murphy asked Mr. Preston how long he would need. Mr. Preston said he would be done within three years.

Motion by Mr. Weinberg to issue the Extension Permit for 8-474 Buker Estates for three years. Second by Mr. Murphy. Vote: 4-0.

## **Draft Letter on Proposed Compressor Station**

As discussed at the April meeting, staff drafted a letter for the Commission to consider signing in opposition to the proposed Weymouth gas compressor station. She learned that MA Coastal Zone Management has not issued their certification of consistency with state's approved coastal zone management policies yet which is required. She drafted the letter to MA CZM as well as Governor Baker and Secretary Beaton (Executive Office of Environmental Affairs) and outlined ways in which the compressor station project is not consistent with the CZM policies.

Motion by Mr. Weinberg to issue the letter to CZM, Governor Baker and Secretary Beaton. Second by Mr. Murphy. Vote: 4-0.

## **Open Space Guide**

Ms. Charles Lis said she had remembered that Pat Flynn was going to write the section on the Monaquot River. She said it is important to include that section. She will do a write-up on the trail behind the Shaw's and Horizon Plaza and staff will make a map. They will complete this by early next week so that Mr. Murphy can get the guide to the printer.

Mr. Weinberg said in the "other significant areas" section the South St. Land should be called the Cochato River Conservation Area as is officially the name. He said there used to be a sign there.

## **Town Forest**

Staff said there is a plan from the DPW Dept. to construct a parking lot in the Town Forest for the Boy Scouts. She checked the area and it is outside of Wetlands Protection Act jurisdiction but thought the Commission may want to weigh in on it because of the open space protection role the Commission plays.

Mr. Murphy said he was opposed to locating the parking lot inside the forest. Ms. Charles Lis and Mr. Weinberg agreed. Ms. Feldman said it is important to have parking so that people can use these areas but thought it was too many spaces and should not be asphalt.

Mr. Weinberg said there used to be a Town Forest Committee. He wondered if a parking lot is consistent with legal protection of open space and noted the area is also drinking water supply area and part of the Area of Critical Environmental Concern.

Staff will let the Mayor's Office know of these concerns.

## **Approval of Minutes -- April 6, 2017**

Ms. Charles Lis requested two clarifying sentences be added to the April 6 minutes. Under the "Discussion on Proposed Pipeline/Compressor Station" item, she requested that the minutes reflect that she had thanked Mr. Lang for coming to the meeting to educate the Commission on the project and that the Commission agreed to draft a letter opposing the compressor station. Staff will make these changes.

Motion by Mr. Murphy to approve the minutes of April 6, 2017 as amended. Second by Mr. Weinberg. Vote: 4-0.

### **Adjourn**

Motion by Mr. Weinberg at 8:55 pm to adjourn the meeting. Second by Mr. Murphy. Vote: 4-0.