

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission

Patrick Flynn, Chair
Donald Murphy, Vice-Chair
Diane Francis
Matthew Hobin
Daniel J. McMorrow, Jr.
Gail Poliner-Feldman
Alan Weinberg

Staff Kelly Phelan

CONSERVATION COMMISSION MEETING MINUTES THURSDAY, JULY 10, 2014

APPROVED

Present: Patrick Flynn, Chair; Gail Feldman, Matthew Hobin, Daniel McMorrow, Alan Weinberg & Kelly Phelan, Staff

Absent: Gus Murphy, Vice Chair

Public Hearings

Notice of Intent 8-627 385 Quincy Ave./Citgo Petroleum Corporation

Christine Player from CLE Engineering was present.

Staff prepared draft condition for consideration by the Commission.

Ms. Player said she had a comment on conditions #32 and #33 regarding turbidity monitoring. Her understanding was that the conditions would kick in if the 401 Water Quality Certification from DEP did not include turbidity monitoring requirements. She said DEP has recently been specifying that monitoring be done 150 feet down current of the dredging where a turbidity plume would travel. This is also for safety reasons because the inspector shouldn't be close to the active dredge operation with the crane and swinging bucket.

Ms. Player also requested that the timeframe be modified. She said DEP typically requires daily monitoring the first week; every other day the second week; and once weekly for subsequent weeks.

Ms. Feldman asked if they had received this permit from DEP yet. Ms. Player said they had not but expected it to be issued soon. Staff said the Commission would receive a copy.

Mr. Weinberg said he had no problems with amending conditions #32 and #33 as the proposed changes seem reasonable.

Motion by Mr. Weinberg, second by Mr. Hobin, to amend conditions #32 and #33 to allow monitoring to be done 150 feet down current and be done daily the first week, every other day the second week and once a week for subsequent weeks provided there are no exceedances of the turbidity limits.

Motion by Mr. Weinberg, second by Mr. Hobin, to find the project significant to the state Wetland Protection Act and Braintree Wetland Bylaw. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to issue the Order of Conditions, as amended, for 8-627 Citgo dredging. Vote: 6-0.

Notice of Intent 8-628
95 Shaw St./Whyte Realty LLC

Dan and Peter Whyte were present with Steve Bernstein, civil engineer. Dan Whyte said he purchased the property in January. He plans to add a second story with two, one-bedroom apartments. The first floor will be an office. He said the lot is under 3300 square feet. There are four parking spaces with room for a fifth so that there is space to turn around to avoid backing into the street. Access to the second floor is on both sides of the building. He had administrative site plan review under the Weymouth Landing overlay zoning district and he they liked the plan.

Ms. Feldman about the river in location to the project. Mr. Bernstein showed the existing conditions plan and pointed out the river and other site features. Ms. Feldman said the building is on the river. Mr. Bernstein said yes, on top the retaining wall to the river. Ms. Feldman asked about the soil. Mr. Bernstein said it is all fill. Ms. Feldman asked about the percentage of degraded area versus restored area. Mr. Bernstein they propose pervious pavers to allow infiltration and storage under the pavers.

Ms. Francis asked about the river flood stage. Mr. Bernstein said the floodplain elevation is 12; there are areas of the site under that elevation. He said the building has flood proofing. It will flood back out and the utilities are elevated.

Staff said the riverfront standards need to be addressed and they were not. Mr. Bernstein said the proposed work is not closer to the river. Staff said the pavement is closer to the river. Mr. Flynn said the Commission doesn't want hardscape along the river; they want soil and vegetation.

Mr. McMorrow asked where the pavers discharge. Mr. Bernstein said to Shaw St. but there is storage underneath them and treatment through infiltration.

Mr. Weinberg asked how many vehicles would be stored in the garage. Mr. Whyte said none.

Motion by Mr. Weinberg, second by Mr. McMorrow to continue the hearing to the August 7th meeting. Vote: 6-0.

Request for Determination of Applicability
85 Oregon Ave./Tran Trust, Quan L. Tran, Trustee

Ron Strohsahl from Oxbow Associates was present with Tony Silva, the builder.

Mr. Flynn noted that they had been before the Commission in the fall for a sunroom. Now they were back again.

Mr. Strohsahl said the proposal is for an addition to the existing sunroom. He said there is BVW to the south associated with the Farm River but they are out of the riverfront area. There is also floodplain but this work is not in the floodplain. The addition will be built on sonotubes and attached to the existing deck.

Motion by Mr. Weinberg, second by Ms. Feldman, to issue the negative Determination of Applicability for 85 Oregon Ave.

**Request for Determination of Applicability
39 Quincy Ave./Boston Gas Company dba National Grid**

Andrea Kendall from LEC Environmental Consultants was present with representatives from SITEC, Winter St. Architects, and National Grid.

Ms. Kendall gave an overview of the site which is located on Quincy Ave. and on the Monatiquot – Fore River and on Smelt Brook. It is within the riverfront area of the two rivers. There is floodplain at elevation 10 but most of the site is above that. She said it is a former manufacturing plant and activities from that manufacturing created subsurface contamination. There is an Activity and Use Limitation on the site to restrict contact with the soil.

There is an office building, parking lots, facility and truck storage on site as well as several other buildings. The RDA proposal is to renovate the office building to provide access and the north and south sides of it; remove the existing meter building and pave that area for parking, replacing a tool shed, grading of a low area in the parking lot and relocating a fire hydrant and light pole.

Mr. Flynn asked about making improvements and addressing the riverfront standards. Ms. Kendall said they are looking into stormwater improvements and plantings.

Ms. Feldman asked about the subsurface contamination.

Deborah Blanch from National Grid said there is coal ash under the surface. They are required to keep the cap on top to prevent contact with the soil. Ms. Feldman asked how they would do any digging. Ms. Blanch said that when they have dig, they have soil tested and a qualified professional on site. Mr. Flynn asked what it was capped with. Ms. Blanch said pavement. Mr. Flynn asked if the activities in this RDA included excavation. Ms. Kendall said that the pavement in the center will be cut and removed and fill added to improve the grade of the parking lot.

Mr. Flynn asked why a separate RDA was filed from the Notice of Intent project. Ms. Kendall said they didn't want the other aspects of the project associated with redevelopment to delay the demolition. Patrick Schmidt from National Grid spoke about replacing the tool shed and adding access to the building.

Mr. Weinberg asked if there was any excavation from the demo of the building. Mr. Schmidt said yes. Mr. Weinberg asked if the soil would be tested for contaminants. Ms. Blanch said yes.

Mr. Flynn asked the members their thoughts on allowing a negative determination of applicability. Mr. Weinberg said he was concerned about excavation. Staff said she was concerned that by approving the parking lot reconfiguration opportunities for site improvements would be lost. Mr. Hobin suggested issuing the negative determination for everything except the parking. Mr. McMorrow said parking and green space seemed like it should be part of the second phase of the project.

Motion by Mr. Weinberg to issue a negative determination to National Grid for work as proposed except the reconfiguration of parking and that erosion control be inspected by staff. Second by Mr. McMorrow. Vote: 5-1. Ms. Feldman opposed.

Notice of Intent 8-630
39 Quincy Ave./Boston Gas Company dba National Grid

Andrea Kendall from LEC Environmental Consultants was present with representatives from SITEC, Winter St. Architects, and National Grid.

Ms. Kendall said that the Notice of Intent is for construction of a new storage facility to be built upon an existing concrete pad. A one-foot wide perimeter foundation is proposed to be poured around the pad to anchor the building. The building is intended to replace the meter building which is being demolished. Ms. Kendall said it the location will make it easier for trucks to access it.

Ms. Feldman asked if it was closer to the river. Ms. Kendall said it was but that the area is already impervious and trucks park there already. Ms. Kendall said adding a roof would actually improve things because roof runoff is considered clean.

Mr. Flynn noted the staff report and comments on the need to improve existing conditions and upgrade the stormwater system. Ms. Kendall said they are exploring the possibility for upgrading the stormwater system. Mr. Flynn asked if it discharges to the river. Ms. Kendall said there are several catch basins which discharge to the river. Mr. Flynn said that would be an obvious and critical site improvement.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue the hearing to August 7th to allow the applicant to evaluate site conditions and propose improvements. Vote: 6-0.

Notice of Intent 8-629
372-394 Quincy Ave./Quirk Auto Dealerships

Mr. Weinberg noted for the record that he was part of the Braintree Historic Society and they had received donations from Mr. Quirk for the Heritage Days celebration.

Attorney Frank Marinelli was present with Jim DeCelle from DeCelle-Burke Associates.

Mr. Marinelli said the project includes demolition of the existing Quirk pre-owned dealership at 372 Quincy Ave. and construction of a new sales and service building. He said this is a use by right in the Highway Business zone and they will be before the Planning Board in August. He noted the residential neighborhood on Dewey RD. and the 100 foot zoning setback from the neighborhood.

The existing building is less than 3000 square feet while the new building will be 15,800 square feet. There are over 300 parking spaces but when finished there will be 292 spaces on the 4.6 acre site. The buffer to the residential area includes a stormwater detention area and the only construction in the 100 foot buffer is the connection to this system.

Mr. Marinelli said he understood the 2003 Order of Conditions had not been close out and that they would address that.

Jim DeCelle said the proposal will improve the stormwater management on the site. Ms. Feldman asked if there would be more impervious surface. Mr. DeCelle said there would be 6000 sq. ft. more.

Mr. Flynn asked where the site currently drains. Mr. DeCelle said it all goes into the detention basin.

Ms. Feldman asked about flooding. Mr. DeCelle said there haven't been any problems and they are providing the drainage certification.

John McMahon from Dewey Rd. was present. He asked if there was only 1 catch basin for the entire lot. Mr. DeCelle said one at the top of the slope and one at the bottom. Mr. McMahon said there was more runoff into the neighborhood and that it was undercutting his fence and trees were leaning. He noted that they haven't maintained the vacant land they own on Dewey Rd. and said it needed to have vines removed.

Mr. Marinelli said they would work with Mr. McMahon to address his concerns.

Staff noted that she had not done a detailed review of the Notice of Intent because the old one still needs to be closed out.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the hearing to August 7th. Vote: 6-0.

Other Business

Minutes

Motion by Mr. Hobin, second by Ms. Feldman, to accept the June 12 minutes. Vote: 6-0.

Adjourn

Motion by Mr. McMorrow, second by Ms. Francis, to adjourn the meeting at 8:50pm. Vote: 6-0.