

Department of Planning and Community Development

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Mayor Charles C. Kokoros

Braintree Conservation Commission

Heather Charles Lis, Chair
Christopher Hayward, Vice Chair
Kimberly Kroha, Clerk
Joyce Albrecht
Diane Francis
Peter Williams

Staff: Kelly Phelan

APPROVED

CONSERVATION COMMISSION MINUTES APRIL 1, 2021 MEETING (7PM) REMOTE MEETING

Present: Heather Charles Lis, Christopher Hayward, Kimberly Kroha, Diane Francis, Peter Williams

Absent: Joyce Albrecht

Ms. Charles Lis opened the meeting and noted the MA COVID – 19 State of Emergency and the Town’s Remote Participation Policy. Meeting materials such as plans will be displayed on the screen and are available on the Commission’s website. Ms. Charles Lis asked if anyone other than the Town was recording the meeting. No one indicated that they were recording the meeting. Ms. Charles Lis noted that, for clarity, she would make the motions and that votes would be done by roll call.

PUBLIC HEARINGS

Notice of Intent DEP File # 8-687 75 Harness Lane & Jensen Farm Rd. /Allman*

Garrett Horsfall, project engineer from Kelly Engineering Group was present with Ken Allman, owner of the property and John Rockwood, wetland scientist from EcoTec, Inc. Mr. Horsfall summarized the project which is construction of a single-family home with site access from Jensen Farm Rd. They propose an open box culvert for the wetland crossing to minimize impact as well as a retaining wall to minimize disturbance in the 25 foot buffer zone. Mr. Horsfall said they met with staff and Mr. Rockwood and Mr. Williams on site to review the proposed replication area. The replication area has been redesigned to avoid tree disturbance. The access path to the replication area has been added to the plans. They also added no-disturb buffer zone markers to the plan and revised the O&M plan in response to the initial staff report.

Mr. Rockwood said the wetland replication will be done under the supervision of a wetland scientist. They will preserve the oaks trees and vegetate the northern side slope of the replication area.

Ms. Kroha asked about the location of the buffer zone markers and proposed lawn. Mr. Tunison said they intend to have lawn up to the markers. Ms. Charles Lis suggested moving the marker near the replication area closer to the proposed house. Mr. Horsfall said they will revise the plan to show this.

Ms. Charles Lis asked why the wetland replication protocol did not reference seasonal high groundwater. Mr. Rockwood said the wetland scientist will be present to oversee excavation to seasonal high groundwater based on soil mottling; it is all done in the field. Ms. Charles Lis asked about importing soil and monitoring for invasive species. Mr. Rockwood said they will bring in leaf compost and loam. Mr. Rockwood said they will look for invasive species during the two monitoring and come up with a plan to address if invasive species are found. Ms. Charles Lis asked about seeding the replication area. Mr. Rockwood said that they are trying to create forested wetland with woody species and leaf compost and some of the seed mixes are aggressive and would compete with the woody species.

Mr. Hayward said the Commission received emails from several abutters. He said that the Commission can't stop the project but he does understand the concerns of the abutters. Ms. Charles Lis agreed and said that some of the issues raised are out of the purview of the Commission. Ms. Charles Lis noted that she has visited the site and the applicant is minimizing the impact by use of the box culvert and retaining walls.

Ms. Charles Lis noted that the Commission received a number of comments but asked if there were any additional comments from the public.

Stella Fidler from Messina Woods Drive asked if the long driveway which is proposed could be connected to other lots as a cut-through. Mr. Horsfall said the driveway would only serve this lot.

Joe Fernald Jr. said they are the owners of the subdivision lots on Jensen Farm Rd. which are under construction. They asked about the effects of this construction on their active construction site and potential for ponding. Mr. Horsfall said their design accepts off-site drainage through the box culvert and they propose stormwater management. Mr. Fernald said there could be impacts for construction. Mr. Allman said they would like to discuss this more and will follow-up with Mr. Fernald.

Ms. Charles Lis noted that staff had drafted conditions.

Ms. Charles Lis suggested amending condition #41 to say that permanent markers be installed as shown as discussed. Staff suggested the plan showing the markers be revised. Ms. Charles Lis suggested the condition be amended to note the markers will be installed as shown on the final, approved plan and as discussed at the April 1st meeting.

Ms. Charles Lis suggested amending condition #37 to say that the replication report shall note coverage by native species, presence/absence of invasive species and that an invasive management plan be provided if invasive species are present.

Motion: by Ms. Charles to issue the Order of Conditions for 8-687 as drafted and amended.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Motion: by Ms. Charles to close the public hearing for 8-683.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Notice of Intent DEP File # 8-693 15 Front St. (Rear)/McGough

Paul Tyrell, engineer and land surveyor, was present on behalf of the applicant. Mr. Tyrell said the project (a 22 unit residential building) is located in Weymouth. There is a small parcel in Braintree which abuts Smelt Brook. They propose to remove pavement from the parcel in Braintree and seed with a conservation seed mix. They learned the Weymouth Braintree Regional Recreation Conservation District (the "District") uses the gate to access Smelt Brook as part of their responsibilities for maintaining the flood control project. They have had meetings with staff from both the Braintree and Weymouth Conservation Commissions as well as the District and the Army Corps (who constructed the flood control project). They propose to provide a permanent access easement on the parcel in Braintree for the District to access the gate. (The access to the parcel would be through the adjacent parcel at 11 Front St.) They will also work with the abutter on both sides (which is the same entity) to ensure access by removing a shrub along the property line with 11 Front St. and remove pavement from the property known as 5 Elmwood Park.

Ms. Charles Lis asked Mr. Tyrell to address the comments in the staff report. Mr. Tyrell said he has not received it. Staff said she had emailed it to Mr. Tyrell. Ms. Charles Lis summarized the comments from the staff report. She said Riverfront Area regulations require restoration and asked about the opportunity for woody species to be incorporated. Mr. Tyrell said he heard from the District and the Army Corps that they want seed mix and no plantings. Staff said that the District and the Corps did want the ability to drive a truck close to area in the event they need to remove debris. They are amenable to only mowing the seeded area once or twice a year.

Mr. Tyrell briefly addressed other issues raised in the staff report. He said Weymouth will require a soil test pit and he will revise the erosion control to show silt sock rather than silt fence.

Ms. Charles Lis asked about the infiltration unit under the proposed building and how soil compaction and maintenance are managed. Mr. Tyrell said it is the norm in urban areas and only takes clean runoff from the roof. They will remove the slab if it needs to be replaced and follow construction protocol to avoid compaction during construction.

Ms. Kroha asked if there was an exterior dumpster proposed. Mr. Tyrell said it is inside the building.

Staff noted that the owner of 11 Front St. would need to grant permission for work on his property such as removal of the shrub along the property line. Mr. Tyrell said they understand that. Ms. Kroha said a Letter of Authorization could be an option.

Staff also noted her concern with the proposed stormwater system. While the proposed system is located over the town line in Weymouth, it will overflow to Braintree, as such, the Commission has an interest in ensuring the stormwater design is appropriate. Staff asked the Stormwater Division to look at the system. Mr. Tyrell said the system is designed to infiltrate the 25 year storm.

Jim Arsenault, DPW Director, said they will take a look at the calculations for the stormwater system. He also expressed concern about the location of the infiltration unit under the building.

Ms. Charles Lis asked for public comment. Mr. Curran, the abutter at 11 Front St and 5 Elmwood Park had technical difficulties but eventually was able to comment. He said he missed some of the other comments. Ms. Charles Lis said the meeting was being recorded so he could listen to the parts that he missed. He said they are opposed to the project. He said there should be a more comprehensive approach than a single meeting; there are a lot of moving parts and unanswered questions. Flooding in the Landing has been a substantial problem and stormwater has to be addressed.

Mr. Tyrell said the project site is not mapped as a flood zone. Mr. Curran said there are DPW barrels on the property where the sewer manhole surges and the parking lot floods. He has recorded video of this happening.

Ms. Charles Lis suggested members visit the site on their own. Mr. Tyrell said the site is open and accessible.

Motion: by Ms. Charles to continue the hearing for 8-693 to the May 6 meeting.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Notice of Intent DEP File # 8-692 255 Plain St. (Cemetery)/Town of Braintree

Chris Trudel, Engineering Manager for the Town was present with Jim Arsenault, DPW Director and Chris Griffin, Assistant Recreation Director. Mr. Trudel said they propose to create grave space in an area of the cemetery that has been used for stockpiling and is hardpacked dirt road and fill piles, some of which are vegetated. Currently, stormwater discharges to the wetland from the developed area. They propose to direct this to a new detention basin with a sediment forebay. The lower section of the proposed ring road will be pitched toward a peastone diaphragm and the upper half will be pitched to an underdrain which will discharge to a level spreader. Mr. Trudel said they also filed the Requests for Certificates of Compliance for the two expired Orders of Conditions. Staff did not add them to the agenda as the as-built plans have not been provided.

Mr. Trudel addressed comments raised in the staff report. He said the stockpiles have washed out toward the resource area; they will install erosion control as requested. They have developed a landscape plan with conservation seed mix and shrubs to restore this area. The topography is a combination of flyover and Lidar as well as contours surveyed in 2005. They will restore the 25 foot buffer zone and provide TSS and recharge calculations.

Mr. Williams asked what the logic was for relocating the existing drainage discharge point. Mr. Trudel said there is not treatment at the existing outfall. Mr. Williams said he is concerned about the basin being overtopped. He suggested putting a water quality device in at the existing discharge.

Ms. Charles Lis asked about the peastone diaphragm. She said she had not realized that cemeteries were considered Land Uses With Higher Potential Pollutant Loads (LUHPPLs) and LUHPPLs require 44% TSS removal as pretreatment. She asked that they try to move the section of peastone diaphragm out of the 25 foot buffer zone.

Ms. Charles Lis asked for public comment. There was none.

Motion: by Ms. Charles to continue the hearing for 8-692 to the May 6 meeting.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Notice of Intent DEP File # 8-684 345 Grove St. /Liden Corp.*

Ms. Charles Lis noted that the applicant had requested the hearing be continued to the May 6th meeting.

OTHER BUSINESS

70 Wayne Ave. Discussion

Staff noted that a house was constructed in early 2000s. The as-built plan reflects that the site is entirely wetland and floodplain. In 2003, the Conservation Commission directed the owner, Mr. Dantuono, to remove fill which he had brought in. The record shows that the fill was removed within a few months. In 2004, the Commission gave approval for an elevated shed on the property. It is not clear when vegetation within the BVW area was removed but based on the issues in 2003 and 2004 there is history of Commission awareness of alteration of the yard. Staff displayed aerial photos of the site from 2005, 2009, 2019 and a recent Google Earth photo. Staff suggests that the Commission determine a baseline of what constitutes the boundary of the yard area and that Mr. Dantouno install markers at the limit to prevent any further alteration.

Mr. Dantuono said they complied with the Order of Conditions to build the house. They requested a permit to build a shed in 2004 and complied with that. They also got approval to put in a brick driveway. He said the Town dug out a drainage ditch through the wetland.

Ms. Charles Lis noted that the Commission had received the documentation on the shed. She said the as-built did not note a lawn area but there is evidence that the Commission was aware of it and that it was implicitly approved. She said that the lawn area looks like it has gotten a bit larger than since 2004/2005 and it may be reasonable to pull it back. She is concerned about the path through the wetland. She suggested the Commission make a site visit and continue the matter to the May 6th meeting.

Motion: by Ms. Charles to continue the matter to the May 6th meeting.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

1209 Washington St. Enforcement Order Discussion

Roberto Leon, of Cielo Restaurant, was present. Mr. Hayward said he had seen the asphalt area under the patio and thinks that the patio expansion is not harmful.

Ms. Charles Lis said in light of the existing asphalt under the patio the Commission may have required an RDA, as opposed to an NOI, and an improvement such as planting native shrubs. She suggested amending the Enforcement Order to require planting 6 native shrubs in front of the patio. Mr. Leon said that would be fine. Ms. Kroha said that is a great resolution. Mr. Williams agreed.

Motion: by Ms. Charles to modify the existing Enforcement Order to require native shrubs to be planted (final # and species to be approved by staff) by June 1, 2021

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Order of Conditions DEP File #8-652 55 Hemlock St. Discussion

Staff provided background on this topic. An Order of Conditions was issued in 2018 for grading and construction of a pool. The project was completed and staff started receiving drainage complaints in the fall, 2020. The Order of Conditions has expired. Staff requested the as-built plan to compare what was approved with what was done. She noticed some discrepancies and requested the project engineer review this matter. Due to the lack of a resolution, she scheduled this on the Commissions' agenda. The owners of the property, Jack and Joann Gauthier, were present with the project engineer, Shawn Hardy.

Mr. Hardy said less filling was done in the front yard than what was approved and more filling was done in the back (2 feet at the base of the retaining wall which could be taken out). He said they didn't change the drainage patterns.

Mr. Williams asked about the gas line. Mr. Gauthier said it was for the propane water heater. Ms. Charles Lis said that was not part of the approved work, nor was the artificial turf around the pool.

Ms. Kroha asked if removing fill at the base of the wall would destabilize it. Mr. Hardy said he didn't know deep the wall was built.

Mr. Williams said he tended to agree with Mr. Hardy. There is not an increase in impervious area.

Ms. Kroha asked what was under the artificial turf. Mr. Gauthier said it was soil. Ms. Charles Lis said that was not discussed during the permitting for the project and root zone is important for infiltration.

John Ronan, the abutter who has been having drainage problems said that since the project was completed, water accumulates after a moderate rain and 4-5 inches of water surround the shed and

electric panel. He said something has changed since the grading was done. He said that water is coming over the boulders of the retaining wall.

Mr. Williams suggested a site visit. Members agreed. Mr. Ronan said he would like to join. Ms. Kroha said members could look at his property from the site. Ms. Charles Lis said he would not miss out on any discussion; the observations from the site visit will be discussed at the May 6th meeting.

Petersen Pool Sports Complex – Site Visit Observations

Mr. Hayward said it was helpful to visit the site and see where the sedimentation issue has taken place. He feels better about the situation going forward.

Staff noted a comment in the chat function asking if the Order of Conditions expired. She said it had been extended to 2024 at the previous meeting.

Watson Park Educational Plan Proposal

Susan Israel and Jake Scherlis, both of Climate Creatives, were present. Mr. Scherlis said the overall size of the sculpture is 12' long and its height is relative to the Mean High Water Line; it is 8 ½ inches above MHW at the lower end and 4 ½ at the higher end. In terms of putting numbers on it, he said the data will change and could become discolored. Mr. Williams said it will be help draw people in to see the numbers. Ms. Kroha agreed. Ms. Israel suggested the numbers could be cut out of the sculpture. Members liked that concept. Staff will work with Ms. Israel to finalize this.

Armstrong Dam Removal/Monatiquot River Restoration Signage

Staff said she will be working on interpretive signage for the proposed trail at the Armstrong dam site. A focus will be on the migratory fish run but other topics may be included. She welcomes Commission feedback on this. Ms. Kroha said she has been volunteering with the Blue Hills Observatory; there could be an opportunity to incorporate their climate data.

Approval of Minutes – March 4, 2021

Staff sent minutes and a few edits from Ms. Charles Lis in advance of the meeting.

Motion: by Ms. Charles approve the March 4, 2021 minutes as amended.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Adjourn

Motion: by Ms. Charles adjourn the meeting at 10:33 PM.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 0.

*continued from March 4, 2021 meeting