



**Mayor
Charles C. Kokoros**

Department of Planning and Community Development

Melissa M. SantucciRozzi, Director
1 JFK Memorial Drive
Braintree, Massachusetts 02184
msantucci@braintreema.gov
Phone: 781-794-8234

CONSERVATION COMMISSION

Christopher Hayward, Chair
Peter Williams, Vice Chair
Heather Charles Lis, Member
Diane Francis, Member
Giles Parker, Member
Hung Pham, Member

APPROVED

**CONSERVATION COMMISSION MINUTES
MAY 4, 2023 MEETING (7PM)
JOHNSON CHAMBERS**

Present: Heather Charles Lis, Christopher Hayward, Hung Pham, Peter Williams and Kelly Phelan, Conservation Planner

Absent: Diane Francis, Giles Parker

PUBLIC HEARINGS

Request for Determination of Applicability Smith Beach/Town of Braintree

Hillary Waite, Stormwater Manager, was present with Kate Perotti, Weston and Sampson. John Thompson, Town Engineer/Assistant DPW Director was also present. Ms. Waite said they are under a compliance order from EPA regarding sanitary sewer overflows. The EPA noticed the deteriorating stormwater manhole on Smith Beach and inquired about it. The Town proposes to replace the manhole. Ms. Perotti said they would excavate to the base and do an in-kind replacement. They will hand dig as necessary to avoid impacts and use mats if crossing vegetated areas.

Ms. Charles Lis asked how long the work would take. Ms. Perotti said 3 days to a week.

Mr. Pham asked if they had considered putting the manhole in the road instead of on the beach to increase resiliency. Ms. Perotti said the system is already in place. Ms. Waite said they are trying to expedite the project to prevent the scour that is happening. Ms. Charles Lis said that the Commission recently approved work to retrofit the parking lot with stormwater BMPs. She suggested that this could be included if the grades support it.

Ms. Charles Lis asked about equipment on the beach. Ms. Perotti said they will evaluate this with the contractor. Mr. Williams said the priority is to get it done in one tide cycle. He said a tracked vehicle on the beach does not cause much impact.

Mr. Williams asked the elevation of Mean High Water. Ms. Phelan said that it is 4.3 feet at Watson Park.

Mr. Hayward asked if there was public comment.

Robert Moore from 186 Edgehill Rd. said there is a "lake" in the intersection of Vinedale Rd and Edgehill Rd. when there is heavy rain. The other manholes don't work. Mr. Thompson said the catch basins tie into the manhole they are replacing and this will improve drainage. Mr. Moore asked about the condition of the pipe. Mr. Thompson said they will use the camera to inspect it. Mr. Moore said it doesn't make sense to replace the manhol if the rest of the system isn't working. Mr. Williams said the DPW will inspect the system and clean laterals if necessary. Mr. Hayward said the EPA asked for the manhole on the beach to be addressed and that is what they are doing.

Motion: by Mr. Williams to issue a negative Determination of Applicability with conditions as drafted and a fourth condition that installation be done within one tide-cycle and the contractor to provide the methods and means for reducing impact to the beach and retaining wall.

Second: by Ms. Charles Lis.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Motion: by Mr. Williams to close the public hearing.

Second: by Ms. Charles Lis.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Request for Determination of Applicability Canal St. /Town of Braintree

Hillary Waite, Stormwater Manager, and John Thompson, Town Engineer/Assistant DPW Director were both present. Mr. Thompson said the project consists of pruning and removing vegetation to allow access to the lake from the end of Canal St. with small watercraft. He said this is a resident request.

Ms. Charles Lis asked if people are using the access point now. Mr. Thompson said that the vegetation is too thick. Ms. Charles Lis said she would like to look at it. Mr. Pham agreed, noting the importance of vegetated buffers.

Ms. Williams noted that the area is also Riverfront Area because of the stream draining Sunset Lake. Ms. Phelan said that the work could comply with the standards with mitigation such as removal of accumulated yard waste.

Mr. Hayward asked for public comment. Ralph Naclerio from Royal Lake Village said he is concerned about the canal. He said there are dead trees and limbs in the canal and it is stagnant. Mr. Hayward said that the Commission could look at this during a site visit.

Motion: by Mr. Williams to continue the hearing to the June 1st meeting to allow for a site visit.

Second: by Ms. Charles Lis.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Request for Amendment - Order of Conditions DEP File# 8-661 144 Allen St./Bogan Property Management*

Mr. Pham noted that he had listened to the audio recording of the March 30th meeting so that he was eligible to participate in the hearing.

Shawn Hardy, project engineer, was present on behalf of the applicant. He said the amendment request is to add additional infiltration galleys for roof runoff and to modify the water quality basin to allow for access to the door in the existing building adjacent to the site. After the last meeting he revised the plans to include the dumpster location, rotated the proposed plantings and added the impervious liner between the sewer main and the infiltration system.

Mr. Pham asked about the effectiveness of the water quality basin. He said that the grading doesn't seem like it will be effective to direct the water to the basin. Mr. Hardy said it had a different shape originally but was revised to allow access to the door in the building. He said the riverfront restoration area includes 3-foot-high blocks which will direct water to the basin.

Mr. Hayward asked for public comment. There was none.

Motion: by Ms. Charles Lis to issue the Amended Order of Conditions as drafted.

Second: by Mr. Williams.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Motion: by Mr. Williams to close the public hearing.

Second: by Ms. Charles Lis.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Ms. Phelan reminded the project engineer that the conditions require the project engineer to provide documentation on the test pits and witness the installation of stormwater structures.

Notice of Intent DEP File # 8-718 245 Elm St./245 Elm St. LLC*

Note: no testimony at the March 30th meeting.

Jed Hannon, project engineer, was present with the property owner, Mike Ahearn. Mr. Hannon said the property is a 12-unit building with pre-existing parking, which is inadequate. They propose to add four parking spaces in the outer 200-foot riverfront area. There is no work proposed within the 100-foot riparian area. They revised the plan based on staff comment to use granite curb instead of asphalt berm. They propose a deep sump catch basin and a cultec for stormwater management. They will replace the two trees that will need to be removed. They also propose mitigation by restoring the riverfront area on the steep slope. Brad Holmes, wetland scientist, prepared a memo with a list of plants which will be hand-planted on the slope.

Mr. Pham asked if the stormwater system could be realigned to make a straight line from the catch basin to the cultec to minimize clogging. Mr. Hannon said they did not want to put the cultec on the property line and they are trying to avoid a tree. Mr. Pham asked the applicant to evaluate the possibility of revising the design to avoid impacting the tree roots. Ms. Charles Lis also asked that they evaluate the possibility of shifting the cultec location.

Ms. Charles Lis said replacement trees should be native and non-cultivars.

Mr. Hayward asked for public comment. There was none.

Motion: by Ms. Charles Lis to continue the hearing to the June 1st meeting.

Second: by Mr. Williams.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Request for Amendment - Order of Conditions DEP File# 8-683 8-10 and 40 Arnold St./TLC Supply Corp

Attorney Frank Marinelli was present with Don Ross, the owner of TLC Supply Corp as well as Shawn Hardy, project engineer and Garrett Tunison, project wetland scientist. Attorney Marinelli said that TLC Supply is a masonry supply business which currently operates out of Quincy. They are purchasing 3.2 acres in the southwest corner of the Arnold St. property. The amendment request is to change the design from a 49,000 square foot building to two buildings, an 8900 square foot building and a 10,800 square foot building. They propose to connect the drainage into the previously approved system.

Mr. Hayward said the drainage design had been extensively peer-reviewed and it is good they are sticking with that design.

Mr. Hardy said that the EPA recently approved the clean-up work so they will be able to construct the previously approved drainage and mimic what was approved in this area of the site.

Mr. Williams asked about the sequencing, noting that upper areas come later in the updated sequencing plan provided by Mr. Tunison. Mr. Tunison said it is a moving target and that whoever oversees the project will need to follow the 16- page document originally provided. He is converting that to a punch list with estimated dates of completion.

Mr. Hardy said that a Licensed Site Professional will need to be involved to oversee the remediation. They will be testing as they go to confirm they are removing the full extent of the auto shredder residue.

Mr. Pham asked if the proposed outfall to the river was going to change based on the depth of contaminated material to be removed. Mr. Hardy said it would not change; it is a defined elevation.

Mr. Pham asked if there is a RAO or AUL in place. Mr. Hardy said that there is not yet because they are at the beginning of the process. Mr. Pham asked about the proximity of the infiltration systems to contaminated areas. Mr. Hardy said the contaminants don't leach.

Attorney Marinelli said that the cleanup process belongs to Mr. Lang, the owner of the property. They don't want to purchase the 3.2 acres unless everything is done correctly. They have a comprehensive agreement in place between the parties.

Mr. Tunison said they still need to file with NPDES. They will meet with staff to review the updated sequencing plan.

Ms. Charles Lis suggested adding a condition requiring an updated sequencing plan with dates be provided.

Mr. Williams suggested a condition that the construction sequencing plan be updated to ensure that the stabilization and remediation work adjacent to the drainage outfall be accomplished prior to the connection of the drainage system and paving of the southwest corner of the site. Said plan shall be submitted to the Commission for approval.

Ms. Charles said that when ownership changes the Commission will need something in writing from the new owner. She asked about the responsibility for Stormwater O&M plan. Mr. Hardy said that Ms. Phelan had asked the same question so he provided a stand-alone O&M Plan for the 3.2-acre area with a BMP map. Ms. Phelan noted that there are two conditions in the draft amended Order- one for Adams St. Enterprises to maintain their system and one for TLC to maintain their system. Ms. Charles Lis suggested adding "upon transfer " to the TLC condition, in case the area is not transferred.

Ms. Charles Lis also suggested adding a condition that restoration be overseen by a qualified professional and the perpetual condition that no alteration of restoration areas may be done per 10.58(5)(h).

Mr. Hayward asked for public comment. Ralph Naclerio from Royal Lake Village asked where the hazardous material is going. Mr. Tunison said it will be relocated on site and capped with a barrier. Mr. Hardy said there will be an AUL placed on the area.

Motion: by Mr. Williams to issue an Amended Order of Conditions with conditions as previously discussed.

Second: by Mr. Pham.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Motion: by Ms. Charles Lis to close the public hearing.

Second: by Mr. Williams.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Notice of Intent DEP File #8-717 Sunset Lake/Town of Braintree*

Mr. Pham noted that he had listened to the audio recording of the March 30th meeting so that he was eligible to participate in the hearing.

Ms. Phelan noted that she had prepared draft conditions.

Mr. Pham asked if alternatives such as dredging had been considered. Ms. Phelan said attempts to draw down the lake to allow for dredging had been done in the past but were not successful due to the groundwater contribution to the lake. Other alternatives, such as an alum treatment, were not recommended at this time by the recent water quality and watershed assessment by Northeast Aquatic Research.

Motion: by Mr. Williams to issue the Order of Conditions as drafted.

Second: by Mr. Pham.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Motion: by Mr. Williams to close the public hearing.

Second: by Ms. Charles Lis.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

OTHER BUSINESS

Request for Certificate of Compliance DEP File# 8-687 - 75 Harness Lane & Jensen Farm Rd.

Ms. Phelan noted that this Order had been superseded by a new Order (DEP File #8-716). She recommended issuing the Certificate of Compliance.

Motion: by Mr. Williams to issue the Certificate of Compliance for 8-687.

Second: by Ms. Charles Lis.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Middle St. Invasive Species Management

Ms. Phelan said that she had spoken with the Braintree Golf Course Manager about management of invasive species, specifically Japanese knotweed, at the Middle St. property. The Golf Course has licensed applicators who could do the work. They also have goats but the logistics (moving the goats back and forth and confining them to the knotweed area) are probably not feasible.

Staff or Commission Updates

Mr. Hayward said that the Town Council recently passed a tree protection ordinance.

Approval of Minutes – March 30, 2023

Motion: by Mr. Williams to approve the March 30, 2023 minutes.

Second: by Mr. Pham.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

Adjourn

Motion: by Mr. Williams to adjourn the meeting at 9:06 PM.

Second: by Ms. Charles Lis.

Vote: In favor: 4, Opposed: 0, Abstained: 0.

*continued from March 30th meeting