

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 MAY 1, 2021 MEETING (7PM) REMOTE MEETING

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

Absent: none

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 # 8-693 15 Front St. (Rear)/McGough*

Paul Tyrell, engineer and land surveyor, was present on behalf of the applicant. Mr. Tyrell said the site is three parcels, two are in Weymouth and one is in Braintree. The residential project received approval from the Weymouth Planning Board and the Weymouth Conservation Commission. He has been working with staff from both communities to address access for the Weymouth Braintree Regional Recreation Conservation District (“District”) to Smelt Brook from 15 Rear Front St. A draft easement has been provided over 15 Rear Front St. He also provided a landscaping plan and new site plan which included a stilling basin at the outlet of the infiltration system.

Staff said she drafted conditions but would like to discuss the sewer overflow situation with the Commission. Mr. Tyrell said the sewer manhole in question was going to be abandoned. The Planning Director from Weymouth said that a blockage had been removed and they would provide

correspondence but had not done so yet. He requested that the draft condition requiring this documentation not be part of the Order of Conditions.

Ms. Kroha suggested there may be another way to word it. Mr. Williams said the sewer manhole to be abandoned should be shown on the plans and a backwater valve could be added

Staff said that the Commission was provided photos by the abutters of the sewer surcharge and that triggered her memory that the District had pointed evidence of the surcharge about six years ago, so there is a history of the manhole surcharging beyond the photos from the abutters. Abandoning the manhole won't necessarily resolve the surcharging problem and the surcharge flows to Smelt Brook.

Ms. Charles Lis suggested adding conditions for a backwater valve, abandoning the manhole and for notification in the event a surcharge happens. Ms. Charles Lis suggested moving on to other topics and coming back to the sewer issue.

Ms. Charles Lis said she made a site visit. She would like the area of the pavement removal to be mowed not more than a couple of times; a meadow would be more beneficial.

Mike Richardi, Chair of the District, asked that the District get that in writing in case of future questions they can say the Conservation Commission wants them to mow annually. Ms. Charles Lis said it would typically be in the Operation and Maintenance Plan.

Ms. Charles Lis returned to the sewer issue. Staff said if the backwater valve was intended to protect the building that it would not prevent surcharging to the brook. She said the sewer comes out of the building and into an oil/water separator before tying into the system in Weymouth. Mr. Tyrell said the separator was inside the garage. Staff shared the plans which show that it is exterior to the building. Mr. Tyrell suggested it be made watertight and have watertight covers. Ms. Charles Lis suggested that be conditioned.

Ms. Charles Lis noted the draft condition that an engineer witness the installation of the infiltration system. She said that would address her concern about soil compaction.

Ms. Charles Lis asked for public comment.

Joseph Curran said the sewer surcharges frequently. The last time was in 2018. His building at 11 Front St. has had sewer backups on a number of occasions and the waste also gets into the brook. He has asked Weymouth to provide data on the sewage capacity in the Landing and the reported blockage.

Ms. Charles Lis said sewage overflows need to be reported to the state, that could be another source of data for follow up.

Motion: by Ms. Charles Lis to issue the conditions as drafted and amended.

Second: by Ms. Francis.

Roll Call Vote: For: 6 (Charles Lis, Hayward*, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Motion: by Ms. Charles Lis to close the hearing for 15 Rear Front St.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward*, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

* Mr. Hayward was having technical difficulties with audio but indicated that he was in voting in the affirmative.

Request for Determination of Applicability 91 Lisle St./McKiernan

Nicole McKiernan was present. She said they plan to construct a deck with the same footings and expand it horizontally to the house.

Ms. Charles Lis said she saw no questions or concerns in the staff report and noted the requirement for erosion control.

Motion: by Ms. Charles to issue a negative Determination of Applicability with conditions as drafted.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Motion: by Ms. Charles Lis to close the hearing for 91 Lisle St.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Request for Determination of Applicability Storrs Ave. Athletic Field/Archdiocesan Central HS, Inc. (bylaw only)

Attorney Frank Marinelli was present along with Dennis Duggan, President of the school and Austin Chartier, engineer from McKenzie Engineering Group. Attorney Marinelli said that the school made a multimillion-dollar investment in the field about a dozen years ago. They now propose an addition to the existing field house for proper locker rooms and training rooms.

Mr. Chartier said the addition is proposed in an area where there is an existing shot put and shed. The A series wetland is a man-made detention basin. Stormwater which leaves the area is captured by the existing system and does not flow toward the wetland in question.

Ms. Charles Lis noted that the staff memo explained the history of the detention basin. It is unusual in that it was considered a replication area for altering the wetland jurisdictional under the local bylaw.

Ms. Charles Lis asked Mr. Chartier if they had reached out to the Stormwater Division as staff had recommended in the memo. Mr. Chartier said they had and were advised to file a stormwater permit. They are not proposing infiltration but to use an underdrain and tie into the existing system. Ms. Charles Lis suggested adding a condition that stormwater be managed according to the requirements of the Stormwater Division.

Motion: by Ms. Charles Lis to issue a negative Determination of Applicability with conditions as drafted and amended.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

Motion: by Ms. Charles Lis to close the hearing for Storrs Ave. Athletic Field.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

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

Applicant requested continuation to June 3rd meeting.

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

Applicant requested continuation to June 3rd meeting.

OTHER BUSINESS

70 Wayne Ave. Discussion*

Ms. Charles Lis noted that the matter had been discussed at the last meeting and members had made a site visit prior to this meeting to observe the extent of lawn on the site.

Mr. Hayward said there has been encroachment; the lawn area would be wetland if it was not mowed. He said there is an opportunity for education.

Ms. Charles Lis said the as-built plan shows wetland up to the edge of the house and no lawn was approved as part of that plan. There was implicit approval of the conditions around 2004 and 2005 when the Commission took enforcement action against the Dantuonos for importing fill. the fill was removed but the Commission did not require the area be left unmowed to return to a vegetated wetland. She said it was reasonable to require some of the lawn to abandoned now and let it return to wetland since there is an increase in lawn area between the 2005 aerial photo and 2009 aerial photo. She suggested 40 feet from the current wetland limit.

Ms. Kroha said she was interested in what the owners thought. Ms. Francis agreed.

Mr. Dantuono said that staff for the Commission came out in 2004 and they complied with what the Commission required. Ms. Dantuono said nothing has changed since 2009 and it is not wet all year. She said the changes to their property are from work on golf course. Mr. Dantuono said the golf course expanded from nine holes to eighteen holes.

Ms. Kroha said that due to the amount of time and prior approval she would be comfortable with makers at the current limit to ensure no further expansion of the lawn. Mr. Hayward noted that there are markers out there now. Staff noted that she had advised the owners to install markers at the limit, once the acceptable limit was determined by the Commission. Ms. Charles Lis said she feels it is appropriate to give some area of lawn back to wetland. Ms. Dantuono said more than half of the property is already wetland. Ms. Charles Lis said it was not a question of percentage.

Ms. Kroha said she was comfortable with the location of the marker sand suggested that moveable items be stored further away from the wetland. Mr. Hayward said the location of the markers was suitable and that they be more permanent. Ms. Albrecht agreed and said that a post should be put in the path to prevent vehicles from driving into the path through the wetland. Mr. Williams agreed. Staff also agreed. Ms. Charles Lis agreed and said the marker should be more permanent.

Motion: by Mr. Hayward to require that 1) the current markers be made permanent 2) movable items be brought back 25 feet from the wetland and 3) the path through the wetland be blocked to prevent vehicles driving through it.

Second: by Ms. Charles Lis

Roll Call Vote: For: 6 (Charles Lis, Hayward, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

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

Ms. Charles Lis noted that an abutter had expressed concern about a change in drainage patterns due to the grading of 55 Hemlock St. The matter had been discussed at the last meeting and members had made a site visit prior to this meeting to observe the site. They also reviewed the approved plan and the as-built plan.

Mr. Hayward said it was interesting that there was a catch basin in the adjacent wetland. That is unusual in that it would not be allowed now with the Wetlands Protection Act but it indicates that the site has been wet. He said it is not clear that the grading done by 55 Hemlock St. has anything to do with the water on the abutters property.

Ms. Charles Lis said she agreed, she was looking for erosion or something to indicate a large volume of water was running off to the abutters property and she did not see that. Based on topography you would expect some water to flow to the abutters property but it doesn't seem like it would have changed dramatically.

Jack and JoAnn Gauthier, owners of 55 Hemlock, were present with their engineer, Shawn Hardy. Mr. Hardy said they did not do much grading in the front of the house, which is the area of concern. There was extra fill at the base of the retaining wall but that area was planted with many trees and would be hard to remove.

Mr. Hardy asked if members saw anything that would prevent the issuance of the Certificate of Compliance. Members discussed the artificial turf around the pool and agreed that they were not overly concerned about it. Ms. Charles Lis requested that the remove the silt fence, remove the nursery tags, remove yard waste from the southeast corner of the site and remove some sand and gravel from the area.

John Ronan, abutter said he was concerned about the water coming over the wall onto his property after a rainstorm. He said the water surrounds the shed and something has changed dramatically. Ms. Charles Lis said Mr. Ronan is at the low point. She is not seeing anything about the project that would have caused the change he describes. Staff pointed out the area beyond the block retaining wall where there is a low stone retaining wall which is not on the plans. She it was her understanding from Mr. Ronan that it was in that area where the water was flowing over onto his property.

Mr. Ridge, another abutter to the site, said the water was no longer flowing to the catch basin in the wetland. Something changed to cause the water to flow to Mr. Ronan's property instead. Mr. Hayward suggested the catch basin be investigated to see if it is still draining. Mr. Gauthier said nothing changed near the catch basin. Ms. Charles Lis said they are not hearing anything from the engineers that would put the blame on this project. Things change over time, especially with climate change and possibly increased impervious area in the watershed. She said she would move on to the next item unless the Commission would like to take further action.

Laurie Lane Trees

Ms. Charles Lis noted that staff had forwarded emails to the Commission from a resident concerned about fire hazard from dead trees on a parcel of conservation land. Staff noted she has been out to this property several times about similar concerns from the abutter. Last year she had the ranger remove some of the yard waste that been dumped and sent a letter to all of the abutters advising them to stop dumping yard waste. Staff said she is not concerned about dead trees, they are part of the ecosystem. Ms. Charles Lis and Mr. Hayward said they visited the parcel and were in agreement. There is not an excessive amount of dead wood here and the area provides nice habitat. Members agreed.

Armstrong Dam Removal/Monatiquot River Restoration Signage

Staff noted that she would be working on interpretive signage for the Monatiquot River Restoration project and asked for ideas in addition to the migratory fish run. Members suggested the change in habitat from the pond to the river and the history of the site.

Approval of Minutes – April 1, 2021

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

Motion: by Ms. Charles Lis to approve the April 1, 2021 minutes as amended.

Second: by Mr. Hayward.

Roll Call Vote: For: 5 (Charles Lis, Hayward, Kroha, Francis, Williams), Against: 0, Abstain: 1 (Albrecht).

Adjourn

Motion: by Ms. Charles Lis to adjourn the meeting at 9:38 PM.

Second: by Mr. Hayward.

Roll Call Vote: For: 6 (Charles Lis, Hayward, Albrecht, Kroha, Francis, Williams), Against: 0, Abstain: 0.

*continued from April 1, 2021 meeting