

Department of Planning and Community Development

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



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 JUNE 3, 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 # 8-692 255 Plain St. (Cemetery)/Town of Braintree*

Applicant requested continuation to July 1st meeting.

Motion: by Ms. Charles Lis to continue the hearing to the July 1 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.*

Olga Lidenko from Liden Corp. was present. She said she wanted to present a few changes since the last hearing. One vacuum is remaining on the plans but it will likely be eliminated. The dumpster was eliminated. Work in the 10' buffer between the Residential District and General Business was eliminated; the fence will be closer to the building and vegetation will remain.

Drainage calculations were revised and a trench drain was added. The landscape plan was revised but there has been no change to the mitigation planting plan.

Mr. Williams asked how they will dispose of trash without the dumpster. Ms. Lidenko said since they are eliminating the vacuums there will be less trash. They will use regular trash pick-up.

Ms. Charles Lis asked if a straight species of holly could be substituted for the cultivar of holly along the buffer zone to the wetland. She also asked where the mulch was proposed to end. Ms. Lidenko said there would not be mulch beyond the 25-foot buffer zone. The area between the shrubs planted as part of the mitigation would be seeded, per note #8 in the plan. Ms. Lidenko said they can amend the holly planting to avoid the use of the cultivar. She asked that it be conditioned rather than requiring a change on the plans.

Ms. Charles Lis noted that information on the drainage calculations had been submitted that morning. She asked if anyone had a chance to look at it. Mr. Williams said he had looked at it and understood the Planning Board had accepted it. Staff said the Planning Board Chair (an engineer) had raised a concern about the infiltration rate used. Staff said it was her understanding that the Chair was satisfied by the explanation received from the project engineer.

Ms. Charles Lis suggested amending the condition #37 to require straight species in the area next to the buffer mitigation planting and to state that dyed or treated mulch is not permitted in planting area along the western side of the property.

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

Motion: by Ms. Charles Lis to issue the Order of Conditions for 8-684 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 Lis to close the hearing for 8-684.

Second: by Mr. Hayward.

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

Notice of Intent DEP File # 8-694 201 Commerce Dr. and 600 Grove St./Marr Scaffolding Company

Attorney Frank Marinelli was present with Daniel Marr and David Hughes, of Marr Scaffolding and the project engineer, Karlis Skulte.

Attorney Marinelli said this is Phase 2 of the site development. The first building was permitted in 2018. The Town's Stormwater Division requested a peer review of the stormwater design. That review has begun with Merrill Engineering.

Daniel Marr, CEO of Marr Scaffolding, said they have enjoyed being in Braintree and they see the future of the company in Braintree. They are looking at the possibility of acquiring additional property in Braintree. Their goal is to be a good corporate citizen.

Karlis Skulte, project engineer from Civil and Environmental Consultants, Inc. presented the site plans. The site is part of an industrial subdivision on the east side of Commerce Drive and abuts Weymouth. The original wetland delineation was done in 2018 and included a Bordering Vegetated Wetland in Weymouth and two isolated wetlands on the site. The first phase of development on Lot 9 included filling one of the isolated wetlands which was jurisdictional only under the local bylaw. The bioretention area was proposed as mitigation.

Mr. Skulte continued. Phase 1 of the project was a 44,000 sq. ft. building and Phase 2 is a 40,000 sq. ft. building. Powerlines bisect the property. They are proposing new pavement around the new building as well as a gravel area to store equipment and materials. They propose to replace the existing infiltration basin with subsurface chambers. This is needed due to the limitation of the powerline easement and to address the performance of the basin which has not been draining within 72 hours. Additional subsurface chambers are proposed in the west and the south of the site. Landscaping will supplement Phase 1 planting. The proposed slopes along Commerce Drive will be seeded.

Ms. Charles Lis noted the staff report. She asked Mr. Skulte to address items that he had not yet addressed. Mr. Skulte said they will remove one of the rip rap overflow pads but leave the one to the north as an emergency overflow. They are willing to provide a barrier such as boulders to protect the area around wetland C. Ms. Charles Lis asked that they put this on the plans. They will also address the Tree Protection Standards.

Ms. Charles Lis said she was disappointed with the proposal to fill in the infiltration basin. It is not common for the Commission to allow wetland alteration. The infiltration basin was not specifically stated as mitigation but the area of both bioretention and infiltration as a large, vegetated area in proximity to the wetland was seen as a benefit and mitigating factor. There is a loss of ecological benefit from eliminating the infiltration basin. She requested that there be further consideration of this.

Ms. Kroha said she wasn't on the Commission during the Phase 1 permitting but she doesn't have a particular issue with the proposal to eliminate the infiltration basin.

Mr. Hayward said that he was on the Commission during the Phase 1 permitting. He said it was beneficial to work the stormwater management into the wetland buffer and he would appreciate another infiltration basin.

Mr. Williams said there is a large area of storage and equipment; is it necessary to have that much area paved over? Ms. Charles Lis asked how the gravel area was being treated. Mr. Skulte said it is being treated as pavement and stormwater management is provided by deep sump catch basins, isolator rows and subsurface infiltration.

Ms. Charles Lis said she looks forward to seeing more landscape plan details and additional woody vegetation and shrubs. She would also like to see a current existing conditions plan.

Mr. Williams would like to see the site.

Attorney Marinelli said the site previously had a lot of rubble and that the Marr Company has done a tremendous amount of work. He said they comply with the zoning requirements for open space; 25% is required and they provide 34%.

Mr. Williams asked if it was possible to relocate the loading dock. Mr. Karlis said the proposed location of the loading dock works best for the site grading and drainage.

Staff will coordinate with the Commission to arrange a site visit.

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

Second: by Mr. Hayward.

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

Request to Amend Order of Conditions DEP File# 682 Watson Park/Town of Braintree

Elise Leduc, Coastal Scientist with Woods Hole Group was present on behalf of the Town. Ms. Leduc said she was last before the Commission in August and September with two projects. One was the salt marsh restoration and coastal bank stabilization and the other is the flood protection berm. The Town is requesting an Amended Order of Conditions for the berm project in order to add another section of berm.

Ms. Leduc said that Fuss and O'Neill was brought into the project to develop the construction drawings. At that point, Fuss and O'Neill conducted a more detailed hydrological analysis and determined that there was an additional flood pathway into the park from the southwest. They propose to add an additional 460 linear feet of berm which will tie into the existing seawall and require an additional 420 cubic yards of material. The walking path will be relocated to the top of the berm. An additional rain garden is proposed at the low spot in the park. The additional section of berm is meant to be temporary as is the original section which was conditioned to be removed at when daily tides reach level of the field, modeled to be approximately 2070.

Ms. Leduc said the Recreation and Public Works Departments have been heavily involved in vetting the proposal and are in support of it.

Ms. Charles Lis noted the staff memo which recommends issuing an Amended Order of Conditions. She also noted written comments received from Robert Kearns which she read into the record. Mr. Kearns requested that a condition be added that the additional section of berm be removed when sea level rises to allow for salt marsh migration into the park. Ms. Charles suggested adding a condition to that effect to make it clear that the additional section of berm will also be removed.

Motion: by Ms. Charles Lis to issue an Amended Order of Conditions for 8-682 Watson Park Flood Protection Berm with the additional condition for removal of the berm with sea level rise. All of the original conditions apply to the additional section of berm.

Second: by Mr. Hayward.

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

OTHER BUSINESS

4 St. Michael Rd. Discussion

Ms. Charles Lis noted that a complaint had been received about unauthorized work and tree removal in the floodplain.

Staff showed aerial photos and a Google street view photo of the site. Staff noted that the trees which were removed were in the lawn area in the front of house.

Mr. Hayward said he saw the site when they visited the adjacent site at 70 Wayne Ave. and there all kinds of things happening in the area. He said the Commission has an educational role to play. Ms. Charles Lis said that is difficult to stay on top of the little encroachments over time. She suggested a letter to the owner notifying them of the resource areas on and around their property so that they are on notice for the future.

Grove St. Discussion

George Clements, owner of 357 Grove St. was present with Garret Tunison, wetland scientist. They were present for an informal discussion on 371 Grove St. Mr. Clements is working with Goddard School daycare on a proposal to construct a daycare on this site. They need to relocate by February from their current site and he would like the Commission's input on the feasibility of constructing the daycare at this site.

Mr. Tunison said the site at 371 Grove St. is disturbed. There is a wetland in the back of it. They propose a 10,500 sq. ft. building with parking in the front and a play area in the back. They revised the plan that afternoon. Staff shared the plan from that afternoon on her screen. Mr. Tunison said there is now only about 600 sq. ft. in the 25-foot buffer zone.

Ms. Charles Lis noted that the delineation has not been confirmed yet.

Ms. Kroha said she appreciates the attempt to get the building out of the 25-foot no-disturb buffer. She said there is an issue with the sidewalk and the play area being within the 25-foot no-disturb buffer. She looked at the aerial photo and sees a lot of trees in this area.

Ms. Charles Lis said she agrees with Ms. Kroha. She said the Commission's regulations are very specific about the 25-foot buffer zone and the Commission is trying to be consistent in applying them. She said there is also recent science on the value of the buffer zone to protecting wetlands.

Ms. Charles Lis asked if there were other ways to avoid work in the 25-foot no-disturb buffer, such as, shrinking the footprint of the building and adding a third story or decreasing the amount of parking.

Mr. Clements said they worked with the Goddard School to confirm to what they need and the state requirements for early childhood education. He said what he is hearing is that it is probably not feasible.

Ms. Charles Lis asked about the possibility of using land area on the adjacent lot which she understands is owned by Mr. Clements. Mr. Clements said he already has a layout for that property for a CVS store. He said they will need to reevaluate.

Staff said the Commission is trying to brainstorm ways to make the daycare work but ultimately it is up to Mr. Clements.

70 Wayne Ave. Discussion*

Mr. and Mrs. Dantuono were present to request a change to the motion that was voted by the Commission at the May meeting. At that meeting the Commission voted to require permanent wetland boundary markers, that not objects be stored within 25 feet of the boundary and that the pathway through the wetland be blocked with a post or bollard to prevent vehicle access.

Mr. Dantuono said they were having audio problems during the May meeting and did not clearly hear that objects could not be stored in the 25-foot buffer. He said it was not their intention to agree to that.

Ms. Charles Lis said she was sorry they could not hear the meeting well; it is one of the drawbacks of the remote meetings. She said the Commission could either take no action or could reconsider the vote of the previous meeting since it is not a public hearing. She suggested the possibility of moving the markers out 10 feet, letting that 10 feet grow back and allowing items to be stored up to the new boundary.

Mr. Hayward asked what they are storing in the area now. Mrs. Dantuono said ATVs, quads and snowmobiles. Mr. Hayward said he is concerned about those leaking fuel or fluids. Mrs. Dantuono said they are kept in enclosed trailers. Their son works on them in their shed. Mr. Hayward suggested the possibility of another site visit.

Mr. Williams said he liked the idea of another site visit before making a decision.

Ms. Charles Lis said that DEP's wetlands layer still shows the lawn area as wetland so it is not unreasonable for the Commission to consider this carefully.

Mr. Hayward said he was willing to consider allowing objects to be stored up to 10 feet from the wetland.

Motion: by Mr. Hayward to allow objects to be stored up to 10 feet from the wetland.

Second: by Ms. Francis.

Vote: For: 2 (Hayward, Francis,), Against: 3 (Charles Lis, Kroha, Williams), Abstain: 0.

Ms. Kroha said she thought the original 25 feet was fair.

Mrs. Dantuono said it has been their lawn for 20 years and there is no other place to put the trailers. She said they have been paying full taxes on the land.

Ms. Charles Lis said that the Wetlands Protection Act doesn't have anything to do with taxes.

Mr. Williams and Mr. Kroha suggested that another site visit be done to see if a solution can be reached. Mr. Hayward said seeing the site in full growing conditions could that could open a can of worms; if wetland vegetation is growing the Commission may have to reconsider. Ms. Charles Lis suggested people go on their own and that the item be included on the next agenda. If anyone wants to make a motion at that time, they can. In the meantime, the Commission's May 6th vote stands.

Cranberry Pond Area Discussion

Staff forwarded comments on Cranberry Pond Area that were sent by a visitor to the area. Comments had to do with: problems locating the entrance, fixing the road leading to the entrance, creating more parking, omission of the green trail from the map, adding trail markers and increasing their size, adding seating area similar to Town Forest, etc.

Staff said she asked the ranger to trim back any vegetation blocking trail markers and add markers as needed. She will look into the possibility of adding wayfinding signage on Liberty St. and include the green trail when the map is updated. She does not recommend adding a seating area as that attracts a significant amount of partying at the Town Forest.

Mr. Hayward said he did a night hike at Cranberry Pond Area and the trails were easy to follow.

Mr. Williams said there is stone "chapel" off one of the trails after the powerlines. It could be nice to restore it and add it to the trail map.

Approval of Minutes – May 6, 2021

Motion: by Ms. Charles Lis to approve the May 6, 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 9:50 PM.

Second: by Mr. Hayward.

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

*continued from May 6, 2021 meeting