

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission

Heather Charles Lis, Chair
Donald Murphy, Vice-Chair
Alan Weinberg, Clerk
Joyce Albrecht
Diane Francis
Christopher Hayward
Gail Poliner-Feldman

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, JANUARY 10, 2019, 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Joyce Albrecht, Gail Feldman, Diane Francis, Christopher Hayward, Heather Charles Lis, Alan Weinberg & Kelly Phelan, Staff

Absent: Gus Murphy

Public Hearings

APPROVED

Notice of Intent DEP File #8-675 1577 Liberty St./Cox

Staff said that since the last meeting the wetland replication plan had been received and it looks good. She drafted conditions for approval.

Ms. Cox was present. She said she reviewed the draft conditions and was fine with them.

Ms. Charles Lis said she had suggested a few additions to the draft conditions for the wetland replication plan including that the fence at the edge of it be permanent, direct supervision by the wetland scientist and that "straight species" rather than cultivars be used. Staff modified the conditions to reflect these changes. Mr. Weinberg asked for clarification of "straight species". Mr. Hayward said non-hybrid species or what you would find in nature. The condition shall say "[p]lant species shall be native, non-cultivars as listed on the wetland replication plan".

Ms. Charles Lis asked Ms. Cox why the erosion control line was not flush with the wetland at the replication area. Staff said she believed it was because of the tree line and can work with the wetland scientist to adjust in the field.

Motion by Mr. Weinberg to issue the Order of Conditions as modified for 8-675 1577 Liberty St. Second by Ms. Feldman. Vote: 6-0-0.

Request for Determination of Applicability 50 Thetford Ave./Shakr

Shawn Hardy from Hardy + Man Design Group engineers was present. He said there is an existing timber retaining wall which is deteriorating. The wall retains the back yard, swimming pool, deck, etc. They are looking at the options to replace it and need to do test pits at the base of the wall to determine the soil conditions. They propose 9 test pits and will access the area from the neighbor's property. They will use a mini excavator between an existing chain link fence (wetland edge) and the base of the wall. They will file an application to construct the wall once they finalize the design.

Ms. Charles Lis noted the comment in the staff report regarding the width of the excavator and whether it would fit between the fence and the wall. Mr. Hardy said he had spoken to the excavator who confirmed it would fit. Staff suggested flexibility in the event the excavator won't fit. If the fence needs to be taken down, swamp mats should be used in the wetland.

Mr. Hayward noted that the spoils from the test pit need to remain within the boundary of the straw wattles. Ms. Charles Lis said the wattles should be at least 12 inches

Ms. Charles Lis asked about their plans to stabilize the area. Mr. Hardy said it is a small area. They can leave the wattles up until they return in the spring to construct the wall (after permitting).

Motion by Mr. Weinberg to issue a negative Determination of Applicability with conditions as modified (at least 12" straw wattle and ability to remove fence and use swamp mats if necessary to access through the wetland). Second by Ms. Feldman. Vote: 6-0-0.

Request to Amend Order of Conditions DEP File #8-673 1177 Washington St./Le

Tuan Le and Mai Huynh were present. Mr. Le said they received the Order of Conditions in November but would like to amend the Order to remove the repaving/regrading work. They will come back to permit this work when the budget allows. Phase 1 work will include the water quality basin, drywell, manhole and relocating the dumpster and grease trap. Phase 2 work will include repaving and re-grading the parking lot. Ms. Huynh said they would like to ensure the Certificate of Compliance can be issued if they need to refinance or sell the property and don't want outstanding work on the Order of Conditions. She said the repaving and regrading is too expensive and they don't know when they will be able to do it.

Mr. Weinberg said the original Order of Conditions would have to be recorded if it is not already.

Ms. Charles Lis asked if they want to keep the Phase 2 work in the Order so they don't have to come back to re-permit it. Ms. Huynh said they are concerned about getting a full Certificate of Compliance and prefer to leave Phase 2 out.

Ms. Charles Lis and Ms. Feldman said they appreciate that they are willing to construct the water quality basin as part of Phase 1.

Motion by Mr. Weinberg to issue the amended Order of Conditions for 8-673 1177 Washington St. Second by Ms. Feldman. Vote: 6-0-0.

Other Business

Presentation on the Hazard Mitigation Plan Update

Anne Herbst from the Metropolitan Area Planning Council was present to give a presentation on the process. Staff noted that the current plan had expired and it needs to be updated for several reasons, but one of the most important is that the Town participates in the Community Rating System (CRS) program of the National Flood Insurance Program. This participation includes outreach, higher regulatory standards and open space protection as well as having a current Hazard Mitigation Plan. The Town's work on this program gives Braintree residents a 15% discount on flood insurance premiums.

Ms. Herbst said she was working with staff and the Braintree Local Emergency Planning Committee (LEPC) to update the plan. Aside from the CRS, another reason to update the plan is that it is a requirement to be eligible for grants from FEMA. The plan is focused on preventing loss of life and property damage from natural disasters. The process includes mapping natural hazards and critical facilities and identifying potential mitigation measures and prioritizing those for implementation. The plan is intended to interrupt the cycle of rebuilding the same way after a natural disaster. The plan also incorporates and builds upon work done in the recent Climate Vulnerability Assessment and Adaptation Plan. The final plan will be presented to the Town Council then sent to MEMA and FEMA for their review and approval before being adopted by the Town Council. A full draft of the plan will be available at least two weeks before the Town Council meeting. The plan will be in effect for five years once adopted.

Ms. Feldman said wind damage seems to be becoming a more common issue and said it was important that people understand where they can go in the event of an emergency. Ms. Herbst said emergency shelter information would be appropriate to include in the plan.

Mr. Weinberg said he had been involved with the LEPC and there is a plan for emergency shelters and a plan to communicate that information in an emergency.

Ms. Francis said blackouts are a problem as people lose heat and food.

Ms. Feldman said it is important to break the cycle of rebuilding in flood prone areas but difficult to do that without impacting property rights. Ms. Herbst said regulations to elevate above the flood elevation or move back are part of the steps that a community can take.

Mike Lang from the East Braintree Civic Association said the gas compressor metering station proposed on the Fore River will be under water. He suggested doing a regional plan since so many

issues impact more than Braintree. Ms. Herbst said regional coordination can be part of the plan and it is a large part of MAPC's work but this plan is focused on Braintree.

Ms. Charles Lis asked how many towns have Hazard Mitigation Plans. Ms. Herbst said MAPC has done plans for about 90 of their 101 communities.

Dave Oliva from the East Braintree Civic Association said he has lived on Edgehill Rd. for 30 years and it has only flooded 3 or 4 times but it flooded 3 times last winter and showed a photo from the March, 2018 storm. Ms. Herbst said that area had been identified on the map as an area where flooding occurs.

Robert Kearns asked if undersized culverts would be addressed in this plan and suggested the plan include removal of the Town Forest dam. Ms. Herbst suggested he follow up with an email on specific culverts.

Ms. Charles Lis thanked Ms. Herbst for coming and making the presentation. She said it is timely to include climate change in the plan. She asked if the plan would address regulatory topics such as requiring use of more current rainfall data and making climate mitigation a value of wetlands in the bylaw. Ms. Herbst said requiring use of the current rainfall data would be beneficial. Mr. Lang suggested zoning can also do a lot by decreasing impervious coverage.

Mr. Kearns asked about interstate utilities such as pipelines. Ms. Herbst utility issues are identified in the climate plan.

Request for Certificate of Compliance 8-625 Cattle Pass Bridge/MWRA

Ms. Charles Lis noted the staff memo recommending issuance of the Certificate of Compliance for this project. Motion by Mr. Weinberg to issue the Certificate of Compliance for 8-625 Cattle Pass Bridge. Second by Ms. Francis. Vote: 6-0-0.

Request for Certificate of Compliance 8-624 Adams St. Crossing/MWRA

Ms. Charles Lis noted the staff memo recommending issuance of the Certificate of Compliance for this project. Motion by Ms. Feldman to issue the Certificate of Compliance for 8-624 Adams St. Crossing. Second by Ms. Albrecht. Vote: 6-0-0.

Request for Certificate of Compliance 8-645 385 Quincy Ave/CITGO

Ms. Charles Lis noted the staff memo recommending issuance of the Certificate of Compliance for this project. Motion by Ms. Albrecht to issue the Certificate of Compliance for 8-645 385 Quincy Ave. . Second by Mr. Weinberg. Vote: 6-0-0.

Update Wetland Rules and Regulations

The Commission continued the discussion since the last meeting. Staff provided copies of the Bylaw itself in addition to the regulations (with edits suggested) provided at the December meeting.

Ms. Charles Lis said the impetus to change the regulations was to incorporate the tree policy but the bylaw could possibly be taken up at the same time.

Mr. Weinberg noted that at the December meeting the Commission discussed removing the Abbreviated Notice of Intent from the regulations.

Ms. Feldman asked about the note on updating the rainfall data. Staff said the upcoming stormwater regulations will likely require use of that data and it would be helpful to coordinate the timing of that with the wetland regulations and zoning regulations so that all three require the same data.

Ms. Charles Lis suggested allowing shrubs as replacement options in the tree policy; currently they are not allowed. Mr. Hayward agreed. Staff also agreed noting that it is very difficult for people to comply with the tree policy when they are building on forested land; there typically is not room to replant at the ratios in the policy.

Ms. Feldman asked for clarification on the relationship between the bylaw and the regulations. Ms. Charles Lis said the bylaw is the authority and the regulations support it and provide further detail. She said it would be nice to make some changes to the bylaw and suggested the Commission consider the timing of that.

The Commission discussed making the following changes to the regulations:

1. Add page numbers
2. Delete Abbreviated Notice of Intent
3. Tree Policy (remove "standard spacing", allow shrubs, edit introduction to address water quality and climate, explain the tree planting fund)
4. Definitions – add definition for invertebrates
5. Submission list – combine state and local filing requirements
6. Add narrative to list and address performance standards
7. Plans and reports (G10 add flood storage at each elevation, G14 add LID BMPs)
8. Reference current wetland plant list
9. Add endangered species
10. Add requirement for PDF of plans

Ms. Charles Lis suggested potential changes to the bylaw could include a 35' no-build area, build as far as possible from the wetland and add stronger protections for intermittent streams and vernal pools.

Ms. Feldman said it is important to remember that most projects in Braintree are redevelopment and that what is appropriate in other towns may not work in Braintree.

Other

Ms. Charles Lis said there had been a brush fire at Eaton's Pond. Staff requested and received a report on it from the Fire Department. The cause was undetermined. Staff noted that the ranger had visited the area and noted it was a shallow burn. Staff also noted that the US Forest Service Botanist who had evaluated the area for deer impact found that it was an excellent example of a fire-maintained plant community.

Approval of Minutes – October 4, 2018

Motion by Ms. Feldman to approve the October minutes. Second by Ms. Albrecht. Vote: 5-0-1 with Mr. Weinberg abstaining.

Approval of Minutes – December 6, 2018

Motion by Mr. Weinberg to approve the December minutes. Second by Ms. Feldman. Vote: 6-0-0.

Adjourn

Motion by Mr. Weinberg to adjourn the meeting at 8:57 PM. Second by Ms. Albrecht. Vote: 6-0-0.