

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
Peter Williams

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

APPROVED

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

Absent: Gus Murphy

Ms. Charles Lis welcomed and introduced the new appointee, Peter Williams, to the Commission. Mr. Williams is a civil engineer who has done peer review work for many towns, including Braintree.

Public Hearings

Request for Determination of Applicability – 0 West St./RSA Media, Inc. (continued from the February 7, 2019 meeting)

Dan Merrikan from Legacy Engineering was present on behalf of the applicant. Mr. Merrikan reviewed the scope of work which is to prune and remove vegetation to maintain visibility to an existing billboard. The billboard is located on Forbes Rd. but is part of the Blue Hill Cemetery property on West St. At the February meeting the Commission requested confirmation that the trees to be removed are not in the wetland. Mr. Merrikan said he had visited with the site with staff and they confirmed that the trees to be removed are all in the buffer zone. They also observed trash and debris in the wetland from the highway and Mr. Merrikan said they would be happy to remove that material while they are on site.

Staff confirmed that the trees to be removed are in the buffer zone only. She said there is space to plant native shrubs. She drafted conditions including removal of the trash and debris and planting at least 12 native shrubs. Also conditioned is a time of year restriction for the directional pruning.

Mr. Williams asked for confirmation that the work will be done by the crane located on the shoulder of Forbes Rd.; there will not be vehicle access into the area. Mr. Merrikan confirmed.

Mr. Merrikan asked that the time of year in which pruning is allowed be extended through April. Mr. Hayward suggested that it could be extended through the end of April.

Ms. Charles Lis recommended that the condition that stumps be left in place be amended to say "standing dead snags (10'-15' in height) for all native species shall be left in place".

Motion by Mr. Weinberg to issue a negative Determination of Applicability for 0 West St. with conditions as drafted and amended. Second by Ms. Francis. Vote: 4-0-2 with Ms. Albrecht and Mr. Williams abstaining.

Request for Determination of Applicability – 6 Hedlund Ave./Higgins

Rich Higgins from 6 Hedlund Ave. was present. Mr. Higgins said he needs to address a problem with groundwater getting into his basement. He spoke with a contractor who gave him a scope of work for a foundation drain around the perimeter of the foundation. This will outlet toward a wetland area.

Ms. Charles Lis noted the staff memo did not raise any concerns. She asked about scour protection for the outlet of the exit pipe. Staff said she considered that but since the drain will intercept only groundwater it should be low velocity. Mr. Williams asked Mr. Higgins if it was a gravity system or injected. Mr. Higgins said it was gravity. Mr. Williams agreed that scour protection would not be needed.

Motion by Mr. Weinberg to issue a negative Determination of Applicability with conditions as drafted. Second by Ms. Francis. Vote: 6-0-0.

Notice of Intent

DEP File #8-677 175 Campanelli Dr./EIP Campanelli Parkway, LLC

David Kelly from the Kelly Engineering Group was present with Greg Cataldo from Fireking Bakery and John Hennessey from EIP Campanelli Parkway, LLC.

Mr. Kelly said the property was the subject of two recent Notices of Intent. One NOI was in 2012 and one in 2018, both of which provided upgraded stormwater management. He gave an overview of the site and the resource areas which include the Farm River, Riverfront Area, Bordering Land Subject to Flooding and buffer zone. The wetland in the northwest corner of the site was flagged by John Rockwood.

Mr. Kelly continued; Fireking Bakery is the tenant for the remaining half of the existing warehouse building. They need their own entryway with stairs, a ramp and a landscaped area as well as additional utilities and material silos. Bordering Land Subject to Flooding is 120.8 in the NGVD 29 datum (flood maps are in NAVD 88). Fill at or below that elevation includes the stairs and ramp of the new entryway, landscape bed, pad for the silos and utilities. They propose 1.2 times the flood storage. They will displace 2500 cubic feet of flood storage and create 3200 cubic feet to replace it. With the exception of the compensatory flood storage, all work is within paved areas of the site. The compensatory flood storage is within the buffer zone and is proposed to be planted. The staff report noted that alternative locations should be explored, including lowering the parking lot grade. Mr. Kelly said they are not able to lower the grade due to the drainage system. He said there is nowhere else on the site to provide the flood storage.

Mr. Kelly addressed other items in the staff report. Vegetation to be removed within the buffer zone will be inventoried for compliance with the tree policy and he provided drainage system maintenance records. He also noted that snow storage will not be located where it blocks access around the building. The area of the landscape bed will be 1500 square feet.

Ms. Charles Lis asked about alternative locations for compensatory flood storage, such as removing pavement along the northerly fence. Mr. Kelly said it would impact the drainage system in that area. Mr. Weinberg said there doesn't seem to be any alternative. Mr. Hayward asked about lowering the grade of the landscape bed near the entryway. Mr. Kelly said they considered that but the applicant prefers the raised curb bed and he noted that it would not provide significant flood storage or function well as a rain garden given the existing grading of the site.

Ms. Charles Lis asked that the tree inventory be provided ahead of the next meeting and that erosion controls be extended and detail shown. This will include a 12 inch silt sock and silt sacks in the catch basins. Ms. Charles Lis asked for the landscape plan to be provided.

Mr. Weinberg asked if there would be dumpsters on the site. Mr. Kelly said there would only be trash compactors.

Mr. Weinberg asked if the site drains to the drinking water supply. Mr. Kelly said it does and they made substantial stormwater improvements in the last two Notices of Intent. Mr. Weinberg said sodium chloride should not be used on the site and signs noting that restriction installed. Staff said the existing O&M Plan prohibits the use of sodium chloride. Ms. Charles Lis said herbicides and pesticides should not be used and only slow-release fertilizer should be used.

Ms. Charles Lis noted that riverfront area redevelopment standards require an improvement in existing conditions and asked if there was any opportunity to remove pavement. Mr. Kelly said an area in the northwest corner could be removed.

Mr. Williams asked about the sewer pump work which is also within the Bordering Land Subject to Flooding. Mr. Kelly said that was at grade and would not impact flood storage. The water service connection is within the building.

Mr. Kelly said they had been working with Braintree Electric Light to accommodate an emergency generator that will help the grid. This will be located outside of the Commission's jurisdiction. Coordinating this caused a delay in filing the permit applications. Mr. Kelly asked if the Commission would consider allowing the work to start prior to the Order of Conditions being issued. This would be done at the applicant's risk; if work is not approved they would need to remove it. Staff noted that the Order could be issued at the next meeting provided the outstanding materials were received. Mr. Kelly said they have a very tight time frame.

Mr. Weinberg said he would be alright with this. Ms. Charles Lis said it was very unusual. Mr. Hennessey said it would be very helpful if they could start some of the critical utility work. Mr. Hayward said since it is within paved areas he did not have a problem with it. The Commission agreed that work on the concrete slabs, pump stations and utility pedestals could begin provided the applicant posted a \$7000 bond and installed silt sacks. Staff will send an email to the applicant to confirm this in writing.

Motion by Mr. Weinberg to continue the hearing for 8-677 to the April 4 meeting for draft conditions. Second by Mr. Hayward. Vote: 6-0-0.

Other Business

Request for Extension Permit DEP File # 8-639 Eaton's Pond/Planning & Community Development Department

Staff noted the Order of Conditions to treat aquatic vegetation with herbicide is due to expire in June and recommended that the Commission extend the Order for three years. Ms. Charles Lis suggested revisiting the matter in three years as the technology may change and other solutions may become available.

Motion by Mr. Weinberg to extend the Order of Conditions for 8-639 for three years beyond the date of issuance (to June 6, 2022). Second by Ms. Albrecht. Vote: 6-0-0.

Update Wetland Rules and Regulations

Staff noted that she had made the formatting changes discussed at the last meeting. She also wants to add the as-built guarantee which the Commission includes as a condition. She will confer with the Stormwater Manager to determine when the Stormwater Regulations will be adopted in order to coordinate on timing. If they are not forthcoming, the Commission may want to move ahead with the Wetland Rules and Regulations at the April meeting (review) and vote at the May meeting.

Open Space Priority Matrix

Staff developed a list of criteria to use to evaluate potential open space acquisitions. This is an effort to be objective about prioritizing land acquisitions. The criteria include water supply, mapped wildlife habitat from the state's Biomap, vernal pools, proximity to environmental justice areas, access to rivers, connections to existing protected areas and identified recreational opportunities. She will also be meeting with the Community Preservation Committee to discuss with them.

Ms. Charles Lis suggested adding a category for native vegetation or rare plants. While this is not mapped data, if a site is known to have an intact plant community and/or significant mature trees it would get more points than a site that is known to have primarily invasive species. Ms. Charles Lis also suggested adding a category for acreage.

Mr. Weinberg noted land with vernal pools near the South Shore Plaza was important.

Ms. Francis said the Community Preservation Committee is also interested in playgrounds.

Staff will update the criteria and come back for discussion at the next meeting.

Other

None

Approval of Minutes – February 7, 2019

Motion by Ms. Francis to accept the February 7, 2019 minutes. Second by Mr. Hayward. Vote: 6-0-0.

Adjourn

Motion by Mr. Weinberg to adjourn the meeting at 8:50 PM. Second by Ms. Albrecht. Vote: 6-0-0.