



**Mayor
Charles C. Kokoros**

Department of Planning and Community Development

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CONSERVATION COMMISSION

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

CONSERVATION COMMISSION MINUTES AUGUST 3, 2023 MEETING (7PM) JOHNSON CHAMBERS

Present: Heather Charles Lis, Diane Francis, Hung Pham, Peter Williams and Kelly Phelan, Conservation Planner

Absent: Christopher Hayward

Note: Member Giles Parker resigned from the Commission effective July 11, 2023.

PUBLIC HEARINGS

Request for Determination of Applicability 578 Pond St./Vo

Andy Vo was present. He said that there was a miscommunication and he thought it was ok to remove trees from the property. He removed 10-12 trees but some of them were already dead. He apologized for doing this without review by the Commission. He has been working with Ms. Phelan to address this and filed the RDA application. He proposed to replace the trees with native shrubs. He sent a plan with 18 shrubs and another with 24 shrubs if that is required.

Ms. Phelan said the tree removal is in the outer buffer zone which would be a 1:1 tree replacement. For shrubs it should be at least 2:1. She conditioned planting of at least 24 native shrubs (and a minimum of three different species). Mr. Vo said he had proposed sheep laurel, azalea and blueberry. Ms. Charles Lis said that the condition allows for different species, subject to staff approval.

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

Ms. Phelan noted for the record that the original proposal included a chicken coop but that Mr. Vo had withdrawn the request for a chicken coop.

Motion: by Mr. Pham to issue a negative Determination of Applicability with conditions as drafted.

Second: by Ms. Francis.

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

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

Second: by Ms. Francis.

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

Request for Determination of Applicability 360 (400) Wood Rd./HRP Wood Road, LLC

Henry Williams, Suffolk Construction was present. Mr. Williams said that are adding areas of concrete equipment pads and said they are increasing the amount of impervious area by 404 square feet. He said they are adding the applicable number of shrubs. Ms. Phelan asked for clarification as the plan shows an increase of 350 square feet of concrete pad. She asked for the square footage of the proposed planting area. Mr. Williams said they did not have that but could provide it.

Ms. Charles Lis said it is important for the Commission to have accurate information and asked the applicant if they were ok with the hearing being continued. Mr. Williams agreed.

Motion: by Ms. Charles Lis to continue the hearing to the September 7th meeting.

Second: by Mr. Pham.

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

Notice of Intent DEP File #8-720 Gordon Rd. (Watson Park – Delorey Field)/Town of Braintree

Ryan Matheson, Engineering Manager for Town of Braintree was present with Jim Arsenault, DPW Director for the Town and Amanda Gaal, Landscape Architect from Weston and Sampson.

Mr. Matheson said they propose to reconstruct Delorey Field to make it regulation size. It will expand further into the Riverfront Area. He said there is a net increase of 1911 square feet of impervious area in the Riverfront Area but an overall decrease of 2094 square feet on the site, due to the reduction in the parking lot area.

Ms. Gaal said they propose to add 15 trees. She said the site is also in the floodplain (elevation 10) and they are constructing paved pathways for accessibility and maintenance. She said the remaining parking lot will be milled and overlaid and stormwater runoff will be similar to existing conditions but with a decreased rate due to the reduction in impervious area.

Mr. Williams asked if other mitigation was proposed. Mr. Matheson said they are proposing mitigation of the erosion at the end of the seawall.

Mr. Pham asked if they are proposing to fill in in the floodplain. Mr. Arsenault said no, it will be the same elevation.

Ms. Charles Lis asked if they could silt sock instead of straw wattles to avoid the potential for invasive seeds. She also asked about the reduction in parking. Ms. Gaal said they completed a master plan for the park and may expand parking in the future.

Mr. Pham asked about impacts to the foul line of the adjacent field. Mr. Arsenault said that field will eventually be rotated. Mr. Pham asked about the paved path. Mr. Arsenault said it is for access to maintain the rest of the park and for ADA access around the field. Ms. Charles Lis said that increasing the impervious area in the Riverfront Area and Land Subject to Coastal Storm Flowage is not ideal. Mr. Pham suggested porous pavement. Mr. Arsenault said that porous pavement is expensive and may not perform well in the winter. Ms. Charles Lis suggested grass pavers. Mr. Pham suggested open graded friction course which is more porous than regular asphalt. Mr. Arsenault said he is not sure of the cost. Ms. Phelan suggested that they include it as an alternate in the bid package.

Mr. Williams asked for public comment.

Andrew Berman from the East Braintree Little League (EBLL) said that EBLL maintains the fields and they don't want the asphalt path between Delorey Field and DaRosa Field. They are able to get their equipment through this area now and it doesn't make sense to have an asphalt path. Mr. Arsenault said that his staff said they need it for maintenance. Mr. Berman said that the Town does not keep equipment on site, only EBLL does in the bins in this area. Mr. Arsenault said he would like to discuss this with his operations staff.

Mr. Pham suggested moving gates to access the field. Mr. Berman said that would not be useful to them as they are the ones who maintain the fields.

Ms. Charles Lis said that she would like to see the path removed or an evaluation of alternative surface treatments provided. She suggested a condition to that effect.

Ms. Phelan suggested the following condition be added to the draft Order of Condition, "if the outfield path is not removed from the project, alternative surfaces shall be evaluated, including Open Graded Friction Course (OGFC). Said evaluation shall be provided to the Commission. If the outfield path is not removed from the bid documents, OGFC shall be included as an alternate. If OGFC is comparable in cost to asphalt, OGFC shall be used."

Ms. Charles Lis suggested amending the condition (#34) for the O&M Plan to include "new paths" or walkways and parking lots.

Motion: by Ms. Charles Lis to issue an Order of Conditions as amended.

Second: by Ms. Francis.

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

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

Second: by Ms. Francis.

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

Notice of Intent DEP File # pending 25 Pond St./Giglio

Frank Giglio was present with Deb Keller, Merrill Engineering. Ms. Keller presented the plan which is to replace an existing retaining wall with a concrete wall and extend the wall to an area which is now boulders and unarmored. The wall will be extended landward of the existing Bank. Several trees will be removed and they propose replacement with 18 trees and 20 shrubs.

Ms. Keller said they corresponded with DEP and understand that they are holding the file number. She said Merrill believed that the project was exempt from Natural Heritage and Endangered Species Review (NHESP) but that is not the case. The pond is habitat for the eastern pondmussel. She said NHESP gave them two options. One is to build the retaining wall using a silt boom in the water and they would condition a sweep for mussels. The other is to build the wall behind the existing wall. They propose to do the latter and will work in 10-foot sections.

Mr. Williams requested a cross-section be provided. Ms. Keller will provide that.

Ms. Charles Lis asked if the boulders would be left in place. Mr. Giglio said yes and said that he had safety concerns about the current state of the wall and the trees.

Ms. Francis about the existing tennis court. Mr. Giglio said it are 40-50 years old and trees are growing into the fence around it.

Mr. Pham asked how the work avoids impact to the Land Under Water resource area and noted that no LUW impacts are noted on the application. Ms. Keller will look at that. Mr. Williams said that the cross-sections are needed.

Ms. Charles Lis asked how they will ensure that the existing wall doesn't fall or crumble into lake during construction. Mr. Williams said the work will be done in 10-foot sections and they will need to move slowly.

Mr. Pham asked if they were planning to stay landward of the boulder area as well? Ms. Keller said they are trying to stay landward of the Bank by 1-2 feet. Ms. Charles urged that areas which are less armored stay that way.

Mr. Williams suggested that members make a site visit on their own. Members agreed that was a good idea.

Ms. Keller addressed one of the questions in Ms. Phelan's staff report. She said that the new wall will not be an increase in height and that no filling is proposed.

Ms. Phelan noted that approximately 35 feet of Bank is currently unarmored. She is concerned that installing a wall a foot or two behind the Bank will cut off the Bank from the land and destabilize it. Ms. Charles Lis suggested that the applicant consider a vegetated slope for this area. Ms. Keller said she communicated with DEP on this and copied staff on the email. Ms. Phelan will follow up with DEP.

Mr. Williams asked for public comment.

Bob Rooney from 19 Pond St. said that Sunset Lake is a jewel and his interest is to see that it stays that way. Trees provide buffer and habitat. He understands that infrastructure needs repair but concrete can become moldy and dirty looking. The other three lake-abutters in this area have stone walls. He suggested the applicant consider that to continue the theme. He also showed photos of the trees from his property, noting that some of them appear healthy. Mr. Giglio says he plans to replace the trees with willows and other nice trees. Ms. Charles Lis suggested he consult an arborist as it may be some pruning of existing trees would address concerns of some of the trees.

Mr. Giglio asked if he could remove a section of wall which fell into the lake already. Ms. Charles Lis said she was not comfortable with in-water work proceeding prior to the issuance of an Order of Conditions. Mr. Pham agreed that in-water work should not be done until permitted.

Motion: by Ms. Charles Lis to continue the public hearing to September 7, 2023.

Second: by Ms. Francis.

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

OTHER BUSINESS

Request for Extension Permit DEP File # 8-681 Watson Park Bank & Salt Marsh Restoration

Motion: by Ms. Charles Lis to extend the Order of Conditions for three years (September 2026)

Second: by Mr. Pham

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

Request for Extension Permit DEP File # 8-682 Watson Park Berm

Motion: by Ms. Charles Lis to extend the Order of Conditions for three years (September 2026)

Second: by Mr. Pham

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

Approval of Minutes – June 29, 2023

Motion: by Mr. Pham to approve the June 29, 2023 meeting minutes.

Second: by Ms. Francis.

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

Adjourn

Motion: by Mr. Pham to adjourn the meeting at 9:15PM

Second: by Ms. Francis.

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