

## Department of Planning and Community Development

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



Mayor Joseph C. Sullivan

**Braintree Conservation Commission**  
Patrick Flynn, Chair  
Donald Murphy, Vice-Chair  
Kevin Bears  
Heather Charles Lis  
Diane Francis  
Gail Poliner-Feldman  
Alan Weinberg

Staff: Kelly Phelan

### **CONSERVATION COMMISSION MINUTES THURSDAY, FEBRUARY 4, 2016 7PM TOWN HALL- JOHNSON CHAMBERS**

**Present:** Patrick Flynn, Chair; Donald (Gus) Murphy; Vice Chair, Kevin Bears, Heather Charles Lis, Alan Weinberg & Kelly Phelan, Staff

**Absent:** Diane Francis, Gail Feldman

#### **Public Hearings**

##### **Notice of Intent 8-636 1091 Liberty St./Mento Homes**

Sean Hardy, engineer, was present with the applicant, John Mento of Mento Homes.

The peer review engineer, Patrick Brennan, was also present.

Mr. Flynn said the Commission had determined at the last hearing that a peer review was necessary and they had received the results from Patrick Brennan.

Mr. Hardy said that since the last meeting they had revised the planting plan for specific locations as requested and they had developed the drainage calculations for the review.

Mr. Flynn read the excerpts from the January 20, 2016 peer review letter from Mr. Brennan.

Mr. Hardy addressed the planting plan and pointed out locations where they have added trees including on the lot of the existing house. Staff said it is often difficult for applicants to comply with the tree policy and they end up contributing to the fund. In this case, the abutters expressed that they wanted the trees replaced in their neighborhood rather than funds going into the tree fund. While it is not ideal to replace trees within an area that is already forested, there is no other location available.

Mr. Flynn asked Mr. Hardy if he had done a cross-section of the retaining wall. Mr. Hardy pointed out the cross sections.

**APPROVED**

Ms. Charles Lis said that street trees might be a possibility. Mr. Hardy said that at the neighborhood meeting Mr. Mento offered to put trees in neighboring yards for screening.

Mr. Weinberg asked about caliper of the trees. Mr. Hardy said the tree policy requires replacement for trees over 4 inches in caliper and replacement with 1.5 – 2 inch caliper trees at two to one ratio. Mr. Weinberg asked if they picked fast growing species. Mr. Hardy said they were chosen based on what Commission members and staff observed on the site at the site visit. Ms. Charles Lis said the trees should be the species and not cultivars or varieties. Mr. Bears said they should condition permanent protection of the 60 trees.

Mr. Brennan presented his review of the drainage calculations. He said the calculations were run on the TR 55 method which was developed by the Soil Conservation Service in the 1960s or 70s. Hydrocad software was used to generate the calculations. TR 55 takes into account the groundcover, soil types, slope etc. In this scenario it is a wooded area on a slope. Wooded areas take up more water than lawn areas but because it is on a slope it is less able to infiltrate. On the flat surface the water will not runoff as quickly. He said the post-development runoff will not exceed the pre-development runoff. He also recommended using sandy, granular fill under the culvec to promote infiltration.

Mr. Flynn asked if there was public comment.

Massimo Ranalli from 40 Trainor Dr. said he is a waterproofer. He said the retaining wall will be a failure. The white pines will shade the wall and block wind from drying it. He said it will stay damp and be covered in pollen and deteriorate within 2-3 years. Mr. Hardy said the structural engineer considered the plantings and didn't have a problem with it and that the blocks have a lifetime guarantee. Mr. Weinberg asked if the wall was waterproof and if rebar is used within it. Mr. Hardy said it is not meant to be waterproof. He said there is no rebar; there is a geogrid.

Ms. Charles Lis asked if the mature size of the white pines had been factored in. Mr. Hardy said yes and that the structural engineer had looked at the placement. The structural engineer said no to trees on the top because of the geogrid.

Santina Giannino from 11 Trainor Dr. said she would like the drainage calculations explained. She said trees absorb water and dissipate it to the air. Is the amount of water dissipated by the 30 trees on site taken into account? Mr. Brennan said those factors are taken into account by the curve number. He has reviewed over 250 sites for stormwater and the data is tried and true. He added that he reviewed the project on behalf of the Commission and the Town, not the developer.

Mr. Hardy noted that the time of concentration is another factor which goes into the model. Slowing down the rate which the water travels across the ground helps it get into the ground.

Mr. Murphy asked if there was any possibility of failure. Mr. Brennan anything is possible. He noted that he reviewed the drainage calculations, not the wall. Mr. Hardy said that roof runoff is clean and won't clog up the infiltration structure and the trench drain will be cleaned. He said the structural engineer designed the wall and there is a lifetime guarantee of materials.

Ms. Charles Lis asked if there was an inspection port for the culvert. Mr. Hardy said it is not typically done for just roof runoff but they can put one in. Ms. Charles Lis said there should definitely be one and it should be above ground and obvious so that it doesn't get covered up.

Mr. Chau from 1007 Liberty St. asked if the system is alarmed in case it fails and asked about maintenance of the area beyond the wall. Staff said it is not alarmed; there are no pumps or moving parts. She said the area outside of the wall would be left as it is and would not need maintenance.

Mr. Flynn asked Councilor (Michael) Owens about the neighborhood meeting. Councilor Owens said he is the District 5 Councilor and he held a neighborhood meeting on January 28<sup>th</sup>. He said a few points came out of the meeting. There is concern that water coming down the hill will be dammed up by the wall and enter into abutting yards. He questioned if the applicant should install a system to redirect the water. He said there are aesthetic issues with the retaining wall as well as the height of the structure on top of wall. He suggested that trees should be planted in the yard to screen the house. He said on the spectrum of risk this is one of the riskier projects they have seen. He suggested conditions be included for screening the house as well as the wall, trees be planted in specific locations on the plateau, and mitigation for potentially damming the water be done.

Mr. Hardy said the structural engineer said trees should not be planted within the geogrid area. He also said the project won't create any damming of water and that the height of the house will be in line with the adjacent house.

Councilor Owens said it is a concern that if a future owners wants to plant a tree they won't be able to. He said there are a lot of things that can go wrong with the project and, if so, the abutters concerns will come true. He said water which normally would run down the hill will now hit the wall. Mr. Flynn looked at the contours on the plan and noted the direction the water runs. Mr. Brennan said the direction of flow is away from the wall.

Mr. Weinberg said there is no perfect site. They have seen a lot of projects over the years which involve blasting or other alterations and they haven't created problems. He said the Commission has to rely upon science and engineering.

Councilor Owens said that back 40 or 50 years ago the homes on Trainor Drive wouldn't have been constructed. He asked the Commission to be proactive rather than reactive by requiring a bond and follow-up. He said he has been involved in projects where they have to pursue a follow-up.

Joe Frany from Abington said that Trainor Drive is a large bowl and they built houses in the bottom of it. He said the developer could cement the whole lot and it wouldn't make a difference since they already have a problem. He said the total gallons leaving the site will be less than it is now. He said the neighbors opposing the project could have approached the owner about buying the land to protect it. The family has been paying taxes on it and have a constitutional right to use their property. He also said they have to be reasonable; if the wall falls over it is the guy who bought the house who is in trouble.

Mr. Flynn noted that the Commission can only administer the Wetlands Protection Act.

Ms. Giannino said there is a major water problem on Trainor Drive. She said there are sinkholes in the street and gave the Commission a photo of them. She said why would anyone add to that if there is already a problem.

Theresa Sullivan from Liberty St. said she is five houses up on Liberty and the house next to her has a sump pump. The water pumped out freezes and will cause an accident.

Councilor Owens said it is an emotional issue and questioned Mr. Frany's statement that the abutters have an obligation to purchase the land to protect it. He said regulations are there to protect the residents, which is why they are going through the process.

Ms. Charles Lis said that relative to the damming question there was a comment in the Town Engineer's initial email comments about a designation for water to overtop the wall. Mr. Hardy said it is not enough to cause scour. Mr. Brennan agreed noting that velocity is less than one foot per second and you need 5 feet per second to cause scour. He added that velocity is measured in feet per second, not cubic feet per second.

Ms. Giannino asked about the information she had emailed from the arborist. She said the arborist estimated 100 gallons per day of water is pulled from the soil and 78,000 gallons a year from this site. Mr. Flynn said it varies so much by species and size of tree that it is not useful to estimate. Mr. Hardy said transpiration is a factor in the TR55 model. Ms. Charles Lis said she is familiar with the itree software and the Commission is aware of the value and benefit of trees. She added that the Commission doesn't regulate groundwater. Ms. Giannino asked which board does. Ms. Charles Lis said there is no board that regulates it.

Ms. Giannino asked about the tree policy and where the number of trees to be removed came from. She said her husband counted 64 trees to be removed, not the 30 given by the applicant. Mr. Hardy said he and Mr. Mento counted the trees and Commission members and staff verified on their site visit. Ms. Giannino gave the Commission a photo of the site to show how many trees are there. Staff said she and Ms. Charles Lis and Mr. Bears looked at the area of trees to be removed and felt comfortable with 30. She noted that they are only counting trees over 4 inches in caliper. Ms. Charles Lis and Mr. Bears agreed.

Mr. Chau asked about flooding and protecting the wetlands if the water dams up. Staff said there is a defined channel in the ground which was created by the water. They are not altering that area. Mr. Brennan said the water on the lot will infiltrate to the groundwater which flows toward the wetland. Councilor Owens asked (through the Chair) Mr. Brennan if a water redirection system would help and be an extra layer of protection. Mr. Brennan said the existing grades do not direct water toward the location of the wall. Councilor Owens said it is worth exploring the idea of mitigation. Mr. Hardy said there were two letters from the Town Engineer and one from a peer review engineer and they all said there wouldn't be an impact. Ms. Giannino said the second letter from the Town Engineer wasn't comparing the project to the existing woodland site.

Robert Walsh from 56 Newport Ave. said he participated in the hearings for the Sunrise project in his neighborhood. He said they found during the permitting that there was a problem with the previous development and they fixed the whole thing. He said these people are being flooded out every few years and that the board should address it and do their job.

Motion by Mr. Weinberg, second by Mr. Murphy, to move forward with draft conditions for the March 3<sup>rd</sup> hearing. Discussion: Ms. Charles Lis requested a sequencing plan. Councilor Owens said water impacts during construction should be considered. Vote: 5-0.

### **Notice of Intent**

#### **8-637 39 Hayward St./McGourty Realty Series, LLC**

Staff said the applicant requested that the hearing be continued to the March 3<sup>rd</sup> meeting.

Motion by Mr. Bears, second by Mr. Murphy, to continue the hearing to March 3<sup>rd</sup>. Vote: 5-0.

### **Other Business**

#### **Eaton's Pond Area**

Mr. Bears said he recently walked the area with Mr. Flynn and staff to discuss parking, signage and other issues. He suggested clearing out an area near the entrance to better define parking and adding signage on Commercial St. and Howard St. and at the entrance to help people find it.

Mr. Flynn said he appreciate the energy Mr. Bears has put into the area. He noted that the Commission has been making incremental improvements and this is the next step make the public feel more welcome.

#### **Request for Extension Permit 8-592 20 Mill Lane/Zeboski**

Staff recommended issuing a three-year extension permit.

Motion by Mr. Weinberg, second by Mr. Murphy, to grant a three-year extension (to April 2, 2019) for 8-592 20 Mill Lane. Vote: 5-0.

#### **Open Space Plan Update**

Staff handed out the revised activity schedule for the open space plan update. Members discussed moving forward with events beginning in April.

#### **Land off Braxton Court**

Staff noted that approximately 34 acres of land off of Braxton Court had been donated to the Town by the estate of Thomas Flatley. Much of it is wetland and floodplain. A former Commission member requested that the Commission have the land designated as conservation land. Staff asked the Commission if they would like to make that request of the Mayor. The Commission agreed that it should be conservation land. Staff will send a memo to Mayor Sullivan to make the request.

**Other**

None

**Approval of Minutes – January 7, 2015**

Staff noted a few typos and changes to be made to the minutes.

Motion by Mr. Murphy, second by Ms. Charles Lis, to approve the January 7 minutes. Vote: 5-0.

**Adjourn**

Motion by Mr. Murphy, second by Ms. Charles Lis, to adjourn the meeting at 9:20 pm. Vote: 5-0.