

Department of Planning and Community Development

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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, NOVEMBER 5, 2015 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Patrick Flynn, Chair; (*arrived at point indicated), Donald (Gus) Murphy, Vice Chair; Kevin Bears, Heather Charles Lis, Diane Francis, Gail Feldman, Alan Weinberg & Kelly Phelan, Staff

Absent: none

Public Hearings

Notice of Intent

8-631 100 River St. /Gabriel

The applicant, Gary Gabriel, was present. Staff drafted conditions of approval including conditions for riverfront restoration. Ms. Charles Lis asked for clarification as to whether the restoration area would be planted. Mr. Gabriel said it would be planted. Staff noted that the "findings" portion of the draft Order referenced the September 2nd memo which listed the species to be planted.

Motion by Mr. Weinberg, second by Ms. Charles Lis, to issue the Order of Conditions for 8-631, 100 River St. and find the project significant to the Wetland Protection Act and Braintree Wetland Bylaw. Vote: 6-0.

Notice of Intent

8-633 19-37 Commercial St./Landing Apartments, LLC

David Kelly, PE from Kelly Engineering was present. Mr. Kelly said he had been before the Commission twice and believed he had addressed all of the issues and requests. There were small items such as details on the plans to be added since the last meeting. They added a stormwater treatment device and calculations to show TSS removal. The infiltration unit is now

APPROVED

shown on the plan submitted to staff that day. Staff requested a detail of that system be included which they will do. He said they revised the landscaping plan twice to comply with substitutions requested by the Commission.

Mr. Kelly asked if he could provide any more information. Mr. Bears requested a change to the O&M plan to clarify that litter would be removed from the parking lot “weekly and as needed” instead of “generally”.

Ms. Charles Lis thanked Mr. Kelly for the documentation from DEP regarding the application of alternatives analysis to riverfront redevelopment. It was confirmed by DEP that alternatives analysis are not required for redevelopment.

Ms. Charles Lis asked if the TSS removal calculations provided were based on actual areas. Mr. Kelly said they are based on the real areas of the project.

Ms. Charles Lis asked for more diversity of species in the area of the daylighting (both existing and future daylighting) and suggested including sugar maples in addition to the red maples. Mr. Bears agreed that more diversity would be beneficial.

Ms. Feldman said they changed the planting plan twice and that the Commission should move ahead with conditions.

Mr. Kelly said they would be happy to change the planting plan but need particular direction from the Commission. Mr. Bears requested that they change the tree in the middle of the daylighting buffer strip to a sugar maple and make the twin trees in the parking lot sugar maples.

Mr. Weinberg expressed concern about the root spread of the trees impacting the Smelt Brook culvert. Mr. Kelly said he will ask the arborist.

Ms. Charles Lis suggested shrubs, such as red-osier dogwood or inkberry, be planted instead of switchgrass in the location of the existing daylighting.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue to the December 3rd meeting for draft conditions. Vote: 6-0.

Notice of Intent

8-636 1091 Liberty St./Mento Homes

Sean Hardy, engineer, was present with John Mento from Mento Homes. Mr. Hardy said they are doing a “form A” subdivision for a residence on a new lot. A wetland scientist flagged the wetland on the rear of the property. There is a significant slope to the property. It ranges from elevation 170 feet in the front to 136 feet in the back. They propose a retaining wall at the front of the lot which is where the house would be constructed. The wall is intended to minimize grading toward the wetland. It requires 2500 cubic yards of fill. The fill will come from Mento Landscaping and G. Lopes.

Mr. Hardy continued, stating that erosion control will consist of staked haybales and silt fence. He noted that the project is not subject to the stormwater standards but they are proposing a cultec recharge system for roof runoff as well as the driveway. He noted the limit of work as defined by erosion control is 36 feet from the wetland.

Mr. Weinberg asked if they tested for ledge. Mr. Hardy said they did not test but you can see ledge in the front of the property. He noted that this would not be an issue because it is a fill site. Mr. Hardy said the retaining wall is an engineered, block type wall.

Ms. Francis said she is concerned that the fill may cause flooding. Mr. Hardy said the area is not located in the floodplain and they are proposing on-site infiltration into clean, granular fill. He said the site is contained within the wall and water will be contained within the wall because the top of the wall is 6 inches higher than the lawn.

Ms. Charles Lis asked if they had looked at alternatives for placement of the house and if they had already done the ANR to divide the lot. Mr. Hardy said they had looked at alternatives such as putting the house further in the back but that would involve more fill and more disturbance. He said they have not filed the ANR yet. Ms. Charles Lis said the Commission would not want the project located closer to the wetland. She also noted she had concerns about the stability of the retaining wall both during construction and post-construction.

Mr. Hardy said the wall would be built as the fill is coming in. It is a engineered wall with tie backs. He will provide a copy of the structural plan.

Mr. Murphy asked how many trees will need to be removed. Mr. Hardy said they reviewed the tree policy and will document how many trees will need to be removed and what they can do to replace them. Ms. Charles Lis asked that they be marked in the field. Mr. Hardy said the retaining wall location is marked in the field and anything within that footprint would have to be removed.

Mr. Bears asked about soil test pits. Mr. Hardy said that as a fill site they have control to create infiltration rates by the material they bring in. Mr. Hardy requested that the test pit be conditioned noting they can always add cultec chambers as necessary to achieve infiltration.

Mr. Murphy asked if there was public comment.

John Ronan from Trainor Dr. said that water tends to accumulate at a considerable volume at the bottom of the street and it is important to make sure it doesn't throw the situation out of balance. They have been dealing with water for 50 years and it still requires a lot of effort to prevent flooding. The town installed a catch basin among the trees but it gets blocked by leaves and overflows. Mr. Ronan said he regularly clears leaves from the basin.

Mr. Murphy asked Mr. Hardy if he could ensure that they won't cause water problems. Mr. Hardy said they are not tying into the drainage system and their water will be contained on site and not sheeting off of the site.

Ms. Feldman said it is a large volume of fill and that she is concerned about the number of trees they are taking down. Mr. Hardy said they will document how many trees they will have to remove and replace.

Herbert Greathead from 21 Trainor Drive said their lawn is always squishy and they have a sump pump frequently running in the basement. He asked where the water coming off of the wall will end up. Mr. Hardy said runoff from roof and driveway collects in a subsurface chamber and the wall is 6 inches higher than the lawn area. Runoff from the lawn will end up infiltration through the stone behind the wall which will allow it to get into the ground.

Sean Baggett from Trainor Drive said the retaining wall will be like looking at a pedestal and that it would be like a castle looking down on the neighborhood. He said that water is a balancing act in the neighborhood. Trainor Drive is a bowl; it is the low point of the whole area and there is a balance of how it all works. Mr. Hardy said the intent is to balance what is there now by collecting the water and putting it in chambers. They are putting water back into the ground where it would be going if no one did anything to the site. Mr. Hardy said that regarding the height of the lot and the house they are matching the elevation of the existing yard and house at 1091 Liberty St.

Ms. Feldman said the Commission can't control the appearance of the house but they are interested in preventing flooding in the neighborhood and protecting trees. She questioned if the cultec device was sufficient to prevent flooding. Mr. Hardy said they can only control the water that falls on this lot which is what the cultec will do.

Santina Giannino from Trainor Drive said the Commission didn't seem to have a lot of questions. Mr. Murphy said there would be another meeting and the Commission would be doing a site visit.

Ms. Giannino said there is over 10,000 square feet of alteration. She said they were told when they bought their house it was conservation land. She said a house does not belong on a steep hill, it is unnatural. She said the area is wildlife habitat and where would the wildlife go? She also asked who would sustain the wall when there are problems?

Kathleen Hess, one of the Trust owners of the 1091 Liberty St. property said the property is not conservation land. Her mother always said there was another lot on the property.

Gina Cappaciolo, a realtor, said there is another lot for sale. It is a separate lot which is landlocked and it is between the project and Trainor Drive. It is over 17,000 square feet and is privately owned and is on the market and it makes a good buffer to the project.

Kevin Kirkland said that Mr. Baggett was correct; all the streets drain toward Trainor Dr.

Kelli Dow from Trainor Drive asked Ms. Hess why her mother never sold the land to make a profit. Ms. Dow said there will be truckloads of fill brought in and what if a kid falls down the slope. She said her yard never drains, they can barely push a lawnmower through it. She asked Mr. Hardy what the linear footage of the wall is. Mr. Hardy said he would have to double check but estimated 200 linear feet.

Ms. Giannino said she spoke to a water specialist; 1 tree absorbs 40 gallons of water and there are 10,000 square feet of trees. She said there are deer, coyotes and turkey there and questioned where they would go if this is developed. She said the wetlands are providing habitat.

Mr. Murphy said the Commission will do a site visit.

Mr. Hardy said he wanted to respond to a comment in the staff report about the need for soil test pit. He said it would make sense to wait rather than disturb the site now because they will be infiltrating into fill (which they can control).

Mark Mastiano from Trainor Drive said the abutters would like to attend the site visit. Ms. Charles Lis said the property owner would have to give permission for that. Ms. Hess said they would not give the abutters permission to come to the site visit.

Mr. Ronan said the existing system for processing water doesn't work; it gets overwhelmed.

*Pat Flynn arrived at this point.

Mr. Weinberg said that people could contact the Town Engineer about drainage in the neighborhood.

Ms. Charles Lis noted that the plan showed an intermittent stream. Staff said it appears to be a drainage channel from runoff coming off the hill.

Ms. Charles Lis said the Commission has jurisdiction over wetlands and is limited in their review to impacts on wetlands and their values. She asked Mr. Hardy about the impact of the retaining wall on wildlife habitat. Mr. Hardy said the project is not located in a priority habitat.

Eason Chau from 1107 Liberty St. said his house is higher up than the houses on Trainor Drive but even higher up they experience water problems. As the water hits Liberty St. it comes down Trainor Drive.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the hearing 8-636 1091 Liberty St. to the December 3rd meeting. Vote: 7-0.

Notice of Intent

8-635 205 Elm St./RiverWalk Development, LLC

George Clemmens, the applicant, was present. Mr. Clemmens requested the Commission continue the hearing until the December 3rd meeting.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the hearing 8-635 205 Elm St. to the December 3rd meeting. Vote: 7-0.

Notice of Intent
8-638 385 Quincy Ave./CITGO Petroleum Corp.

Joe Callahan, a Licensed Site Professional from Environmental Strategies & Management (ESM) was present with Doug Healy, also a Licensed Site Professional from ESM, and Allen Morris, the General Manager from CITGO.

Mr. Callahan said they are seeking an Order of Conditions for remediation work to excavate oily soil and groundwater. The oil is from the refinery days from 1920-1949; old oil pipes were left in the ground when the refinery closed. The rising water table in the area is causing the oil to seep to the surface. The rising water table is due to the closure of the old oil/water separator which allowed groundwater into the system prior to release to the river. They installed new oil/water separator which treats 6000 gallons a minute.

Ms. Feldman asked if the pipes were only in this area. Mr. Morris said the majority of the pipes are in this area.

Ms. Feldman asked for clarification that in addition to replace the contaminated soil with clean fill, they are also putting in more fill to raise the road and asked how close to the river the work is. Mr. Callahan said the work area is 100 feet from the river

Ms. Charles Lis asked about the current drainage and if there was untreated discharge to the river. Mr. Healy said there is a lift station in this area which pumps water up to the oil/water separator. The lift station will be covered during the excavation work.

Ms. Charles Lis asked if there was any possibility of revegetating. Mr. Callahan said the area is part of the active terminal and has to be kept open for safety and security.

Mr. Callahan said they were hoping to get an Order of Conditions that evening due to the emergency nature of the work. Ms. Charles Lis asked if they had considered requesting an emergency certification. Mr. Callahan said they had started the process to file the Notice of Intent but it takes a long time to work through CITGO's corporate approval process to move ahead. Mr. Morris said it is the largest remediation project they have undertaken. Mr. Healy added that they want to take advantage of the low water table.

Mr. Weinberg asked if they had reviewed the draft conditions. Mr. Callahan said they had.

Motion by Mr. Weinberg, second by Ms. Francis, to issue the conditions as drafted for 8-638 385 Quincy Ave. Vote: 7-0

Notice of Intent
8-637 39 Hayward St./McGourty Realty Series, LLC

Brian McGourty was present.

Staff gave the Commission the background. An Order of Conditions was issued in 2003 and amended in 2005 for an eleven-unit residential project. Eight of the units were constructed and then the project ceased and the Order of Conditions expired. The applicant filed a new Notice of Intent to proceed with completion of the last three units. The staff report noted a few issues. An area of wetland between unit 6 and 8 was filed and a replication plan is needed. Also, DEP commented that the stormwater standards need to be addressed and documentation that the stormceptor was installed is needed.

Mr. McGourty said he would keep everything the same as the original set of plans. He said he would do the wetland replication and that the stormceptor was installed.

Ms. Charles Lis said he would need a wetland scientist to prepare a detailed wetland replication plan. Mr. Flynn asked if he could have the plan prepared for the December 3rd meeting. Mr. McGourty said he would. Staff said he would also need an engineer to address the stormwater standards, as DEP had noted.

Motion by Mr. Murphy, second by Mr. Bears, to continue the hearing to the December 3rd meeting. Vote: 7-0.

Other Business

2016 Meeting Schedule

Staff proposed 2016 meeting dates and requested the Commission consider planning their trips around the meeting schedule.

Tree Removal (Bower Rd.)

Staff received a request from a resident of Bower Rd. who requested the Commission cut trees on adjacent conservation land (near Eaton's Pond Area) which are shading her yard and pool. Staff said they are small caliper white birch and white pine. She suggested allowing the resident to conduct limited tree removal at her own expense.

Members who attend the Eaton's Pond walk on Saturday will take a look at the trees since they will be in the neighborhood.

Request for Certificate of Compliance 8-86

Staff recommended the Commission issue a Certificate of Compliance for this project. It is a 19 lot subdivision, known as St. Claire St. Extension, which was permitted in the late 1970s and constructed in the 1980s. Over the years, several of the lots have received partial Certificates to clear the title. Staff recommends issuing a full Certificate to clear the remaining lots.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue the Certificate of Compliance for 8-86. Vote: 7-0.

Deer Management

Mr. Flynn gave members an update on the meeting held on October 27th by Mayor Sullivan to discuss deer management. Attendees included town staff such as Police, Animal Control, Health, Conservation as well as representatives from Pond Meadow Park.

Mr. Flynn noted that the police and animal control reported that there had been 55 deer strikes by vehicles over a three year period. He also noted that there needs to be a comprehensive approach to deer management and that discussion will continue.

Other

None

Approval of Minutes – October 1, 2015

Motion by Mr. Murphy, second by Mr. Weinberg, to accept the October 1 minutes. Vote: 7-0.