

**APPROVED**



**Department of Planning and Community Development**

Kelly Phelan, Conservation Planner

90 Pond Street

Braintree, MA 02184

781 794-8233

Mayor Joseph C. Sullivan

**CONSERVATION COMMISSION  
MEETING MINUTES  
THURSDAY, MARCH 26, 2009 7PM  
FLETCHER HALL – TOWN HALL**

**PUBLIC HEARING**

**DEP FILE # 8-585**

**APPLICANT: Tri Town Board of Water Commissioners**

**LOCATION: Richardi Reservoir**

Members Present: Patrick Flynn, Chair  
Gus Murphy, Vice-Chair  
Gail Feldman  
Alan Weinberg  
Matt Hobin  
Kate Waldron

Staff: Kelly Phelan

The applicant requested a continuation of the public hearing to May 14, 2009.

Motion by Mr. Weinberg, second by Ms. Waldron, to continue the public hearing to May 14, 2009. Vote: 5-0.

**PUBLIC HEARING**  
**DEP FILE # 8-591**  
**APPLICANT: RMT Braintree, LLC**  
**LOCATION: 531 Pond St.**

Members Present: Patrick Flynn, Chair  
Gus Murphy, Vice-Chair  
Gail Feldman  
Alan Weinberg  
Matt Hobin  
Kate Waldron

Staff: Kelly Phelan

Mr. Flynn opened the public hearing.

Matt Long and Attorney Tocchio were present on behalf of RMT Braintree.

Ms. Feldman asked the applicant's representatives if they had any comments on the draft conditions. Mr. Long noted that they accepted the conditions.

Mr. Weinberg proposed amending condition #19 to include "prior to inspection, staff shall be notified so that staff or Commission members can inspect". Mr. Murphy stated that he didn't see a need for that level of oversight over the inspections. Mr. Long stated that it would set a precedent for inspecting every culvert which could take up excessive amounts of staff time. Mr. Flynn said he didn't see the notice requirement as a huge burden and that it could be met with either email or phone call notification.

Attorney Kellem, attorney for abutters Roger and Darleen Aiello, stated that condition #19 refers to sediment and #20 refers to "sediment and debris" and asked that the conditions be amended to include "sediment, debris or other obstruction".

Motion by Mr. Murphy, second by Ms. Feldman, to find the proposal significant to the Wetlands Protection Act and Braintree Wetlands Bylaw. Vote: 6-0.

Motion by Mr. Weinberg, second by Ms. Feldman, to issue the draft conditions as amended. Vote: 5-0.

Attorney Kellem asked for clarification from the Commission that they made no finding regarding the headwall around the culvert or filling over the culvert. Mr. Flynn replied that was correct.

Motion by Mr. Weinberg, second by Ms. Feldman, to close the public hearing. Vote: 6-0.

**PUBLIC HEARING**

**DEP FILE # 8-592**

**APPLICANT: Stephen Zeboski/20 Mill Lane Trust**

**LOCATION: 20 Mill Lane**

Members Present: Patrick Flynn, Chair  
Gus Murphy, Vice-Chair  
Gail Feldman  
Alan Weinberg  
Matt Hobin  
Kate Waldron

Staff: Kelly Phelan

Mr. Flynn opened the public hearing.

Al Trakimas from Sitec Engineering and Gary Gabriel, contractor, were present on behalf of Mr. Zeboski. Mr. Trakimas noted that they had received the draft conditions and had only one clarification regarding condition #28 and 29. The language of #28 refers to the buffer zone while the language in #29 refers to "100' from any resource area". Mr. Trakimas asked that the language in #28 be changed to mirror #29 as contractor's may not know what the "buffer zone" means.

Mr. Weinberg asked about permitting requirements regarding any possible hazardous material. Mr. Trakimas noted that a survey of the building would be required for demolition and the Health Department would be notified.

Mr. Weinberg proposed amending condition #32 regarding dumpster enclosures to read "if applicable" as they are not proposing any dumpsters on the site at this time.

Staff asked for clarification regarding the construction sequencing and erosion control. Mr. Trakimas presented the erosion/sedimentation control plan to the Commission and noted that the sediment forebay would be used for siltation control during construction and that the work area (parking area) would be stabilized during construction with crushed stone.

Motion by Mr. Weinberg, second by Mr. Murphy, to find the project significant to the Wetland Protection Act [MGL Chapter 131 Section 40] and Braintree Wetland Bylaw [Chapter 12.20] and issue the draft conditions as amended. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing. Vote: 6-0.

**PUBLIC HEARING  
REQUEST FOR DETERMINATION OF APPLICABILITY  
APPLICANT: MA Highway  
LOCATION: Route 37 from Holbrook town line to Peach Street**

Members Present: Patrick Flynn, Chair  
Gus Murphy, Vice-Chair  
Gail Feldman  
Alan Weinberg  
Matt Hobin  
Kate Waldron

Staff: Kelly Phelan

Andrea Norton from MA Highway was present. She noted that the Commission had issued a negative Determination of Applicability (DOA) for this project three years ago but that the project had not gone forward and the DOA expired. The work includes roadway resurfacing, sidewalk reconstruction, adjusting drainage structures (such as catch basin grates) and adjusting curbing and setting wheel chair ramps and guardrail.

Mr. Weinberg asked if there were plans showing where the erosion control would be installed. Ms. Norton replied that there was no such plan because it is a basic "book" job involving just milling down of the road and resurfacing.

Staff noted that the DEP process and forms allow for issuing a negative Determination with conditions. The reasoning is that if basic erosion control is used, the project will not have any impact to resource areas.

Mr. Weinberg proposed amending the draft conditions to include language that staff would be notified for inspection that erosion control materials were removed and written notice of the destination of the disposed material be provided to the Commission.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue a negative Determination of Applicability with conditions as amended. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Murphy, that the project was not significant to the Wetland Protection Act or Braintree Wetland Bylaw and to close the public hearing. Vote: 6-0.

## **OTHER BUSINESS**

Members Present: Patrick Flynn, Chair  
Gus Murphy, Vice-Chair  
Gail Feldman  
Alan Weinberg  
Matt Hobin  
Kate Walron

Staff: Kelly Phelan

### **Wetland Bylaw/Ordinance Discussion**

As part of the Transition Committee's review of the town's bylaws for transition to ordinances under the city form of government, the Wetland Bylaw is being reviewed. Staff incorporated provisions of the 2006 Massachusetts Association of Conservation Commissions (MACC) model bylaw, as well as a few other suggested changes, into the existing bylaw for the Commission's consideration.

Mr. Weinberg felt that the Commission should include aesthetics as a value in the ordinance and agreed to work on standards for that element. Staff will look for language used by other communities.

Mr. Weinberg made several suggestions;

- Include notification to neighboring town's for projects within 300 feet of the town line rather than 100 feet
- Delete provisions for giving "5 additional days to reply" in cases where abutter is not notified
- Add "incomplete application" as a reason to continue a public hearing

Ms. Waldron suggested approving these changes

- only the Homeowner's Association need be notified, rather than every unit owner, for projects which abut a condominium
- substituting "follow procurement law" when obtaining outside consultants rather than the fee schedule

Ms. Waldron asked staff about the suggestion to change the permit time period from one year to three years. Staff noted that many projects take several years to complete, the WPA provision is for three-year permits, and that using a one-year permit created unnecessary paper work.

The Commission decided to take additional time to consider the bylaw and continue the discussion at the next meeting.

## **Sunset Lake Stormwater Treatment Proposal**

Staff noted she had requested quotes from three engineering companies to develop construction drawings for the treatment of stormwater discharges from two points at the Sunset Lake beach. One company, Comprehensive Environmental, Inc. (CEI) responded.

Ms. Waldron noted that the cost was high. Staff noted that she and the Planning Director had met with the engineer and asked him to narrow the focus and reduce the cost. He would be submitting a revised proposal next week.

Mr. Flynn noted the importance of taking action on Sunset Lake. Staff said different consultants had produced studies on the Lake over the years but that several of their recommendations had not been implemented, including the ones to provide stormwater treatment to the discharges to the lake.

Motion by Ms. Waldron, second by Mr. Weinberg, to use up to \$6000 from the conservation fund to enter into a contract with CEI to obtain construction-ready drawings for stormwater treatment. Vote: 6-0.

## **Open Space and Conservation Land**

Mr. Flynn noted that the Commission needs to develop rules and regulations for conservation land and asked the Commission to consider a public process for that.

Ms. Feldman noted she would like to discuss the draft Open Space and Recreation Plan at an upcoming meeting. Staff will schedule this as an agenda item for the next meeting.

## **Approval of Minutes**

Mr. Weinberg noted a correction to be made to the minutes of March 12, 2009; "Gail Waldron" should be changed to "Gail Feldman".

Motion by Mr. Weinberg, second by Ms. Feldman to approve the minutes of March 12, 2009 as amended. Vote: 6-0.

## **Motion to Adjourn**

Motion by Mr. Weinberg at 8:51PM, second by Ms. Feldman, to adjourn the meeting. Vote: 6-0.

Minutes prepared by Kelly Phelan