

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, APRIL 23, 2009 7PM**

FLETCHER HALL – TOWN HALL

Members Present: Patrick Flynn, Chair
Gail Feldman
Matthew Hobin
Daniel McMorro, Jr.
Alan Weinberg

Staff: Christine Stickney, Director
Kelly Phelan, Conservation Planner

Unauthorized Filing – 62 Kelley Drive

Staff provided the Commission with the background of the situation regarding unpermitted filling at 62 Kelley Drive. She received a call on April 6, went out to the site and saw the owner, Mr. Elworthy, there. Large piles of fill had been brought in and were being pushed into the wetland. Staff directed Mr. Elworthy to cease and desist, install erosion control and develop a restoration plan. The site includes both wetland and 100 year floodplain.

Mr. Elworthy said he had only wanted to fill and seed the area because his kids play in the area and were getting cut by metal which had been buried there by the former owner. He also stated that in recent years there has been more flooding and water there and he wonders if there is a problem with drainage in the area.

Mr. Weinberg stated that filling in the floodplain displaces water and pushes the problem someplace else.

Mr. Elworthy stated he would like to seed or plant the area. Mr. Weinberg stated that Mr. Elworthy would have to file an application to do work within the resource area.

Mr. Flynn requested that Mr. Elworthy attend the next Commission meeting (May 14th) to let them know that the fill has been removed.

Motion by Mr. Weinberg, second by Ms. Feldman, to ratify the enforcement action taken by staff that the fill must be removed and that Mr. Elworthy should file an Abbreviated Notice of Intent to plant the area. Vote: 5-0.

Other Business

Members Present: Patrick Flynn, Chair
Gail Feldman
Matthew Hobin
Daniel McMorrow, Jr.
Kate Waldron
Alan Weinberg

Staff: Christine Stickney, Director
Kelly Phelan, Conservation Planner

Wetland Bylaw/Ordinance Discussion

Discussion on the wetland bylaw/ordinance resumed. Per request, staff provided a definition of "aesthetics" from another town (Nantucket). Nantucket's wetland bylaw defines "wetland scenic vistas".

Ms. Feldman stated the importance of identifying scenic areas.

Mr. McMorrow expressed concern about expanding the Commission's jurisdiction to something as subjective as aesthetics.

Ms. Stickney noted that aesthetics would be another criteria to factor on which to base a decision but should not be a basis for denying a project.

Mr. Flynn asked staff to draft a "wetland scenic vista" definition.

Staff quickly reviewed the current vernal pool definition compared to the definition within the Massachusetts Association of Conservation Commission's (MACC) model bylaw and suggested adopting the MACC definition with additional clarifying language.

Staff will provide a complete draft of the changes for the Commission to vote on at the next meeting. That will be forwarded to the Town Council for a vote as part of the Transition Committee's package of bylaw changes.

Open Space and Recreation Plan

Staff gave the Commission copies of the draft Open Space and Recreation Plan for their review and approval. The Commission will need to provide a letter of approval for the state Department of Conservation Services who ultimately must approve the plan.

The Commission will review the draft Plan and comment at the May 14 meeting.

Conservation Land Rules and Regulations – Process

The Commission discussed moving forward with developing Rules and Regulations for the town's conservation land. Staff prepared a draft set of regulations for the Commission to consider. Staff will prepare the legal notice for a May 28 public hearing on the Rules and Regulations.

Great Oak

The Commission has been funding pest control treatment and fertilizer application to Great Oak on Gilbert Bean Drive through their Tree account. Staff notified the Commission of the proposal for the current season, which totals \$509. Motion by Mr. Weinberg, second by Ms. Feldman to fund the proposed treatment of the Great Oak. Vote: 6-0.

Appointment to the Community Preservation Committee

Motion by Mr. McMorrow, second by Ms. Waldron to ratify Mayor Sullivan's appointment of Patrick Flynn as the Commission's representative on the Community Preservation Committee. Vote: 6-0.

Approval of Minutes

Motion by Mr. Weinberg, second by Ms. Waldron, to approve the minutes of April 9, 2009. Vote: 6-0.

Motion to Adjourn

Motion by Mr. Weinberg at 8:35 PM, second by Ms. Waldron, to adjourn the meeting. Vote: 6-0.

Minutes prepared by Kelly Phelan