

APPROVED



Department of Planning and Community Development  
90 Pond Street  
Braintree, MA 02184  
781 794-8230

Christine Stickney, Director  
Melissa M. Santucci, Principal Planner  
Kelly Phelan, Conservation Planner

Mayor Joseph C. Sullivan

**CONSERVATION COMMISSION  
MEETING MINUTES  
THURSDAY, MAY 28, 2009 7PM**

**FLETCHER HALL – TOWN HALL**

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

Staff: Kelly Phelan

**Enforcement Issues**

**62 Kelley Drive**

Mr. Elworthy, owner of 62 Kelley Drive, stated that he had the fill removed as directed by the Commission. Staff showed photos of the area in question noting that the fill pile had been substantially reduced by not completely removed. Mr. Weinberg stated he was happy that the fill had been removed.

**57 Jersey Ave.**

Mr. Campbell stated that if he had overstepped his boundaries, he apologized.

Mr. Flynn noted the enforcement issue from 2006 in which Mr. Campbell was told to leave an area 30' from the back of the garage (toward the river) to naturally revegetate and said staff had noted that this had not occurred.

Mr. Campbell his wife may have thrown some seed down in this area.

Mr. Weinberg stated that he visited the site with staff and saw level ground with grass but no erosion. He said Mr. Campbell may have exceeded the limit he was told but at least it is not raw soil and he suggested enhancing it with wetland plants such as jewelweed.

Staff recommended that Mr. Campbell be required to restore the area or file an application to approve the work.

Mr. Flynn asked the Commission if they had a problem with allowing Mr. Campbell to let the area restore to meadow, rather than planting it. Mr. Flynn also noted that the area would look weedy and messy for several years until natural succession occurred and trees started to grow and shade it.

Mr. Weinberg left the room for the vote since he has known Mr. Campbell for many years.

Motion by Mr. Hobin, second by Ms. Waldron, to allow Mr. Campbell to let the area 30' beyond the garage restore naturally. Vote: 5-0.

### **3 Ashworth Ave.**

Staff explained that the owner of this property, had cleared and grubbed a large area of buffer zone without review and approval by the Commission. Tom Kettell, owner of 3 Ashworth Ave., stated that he had no idea about the buffer zone and just wanted to extend his lawn.

Mr. Flynn noted that the Wetlands Protection Act has been law since the 1970s. Mr. Flynn also stated that the Conservation Commission is volunteer board which administers and enforces the Wetland Protection Act and residents have a responsibility to know the law when managing their property.

Staff recommended that Mr. Kettell either restore the area by planting native trees and shrubs or file an application to approve the alteration, as any alteration within 100' of a wetland require review and approval by the Commission.

Mr. Weinberg stated that he had no problem with Mr. Kettell removing brambles or invasive species. Mr. Flynn noted that brambles are a successional state and that it is important to maintain vegetation in the buffer zone.

Motion by Mr. Weinberg, second by Ms. Feldman to have staff work with Mr. Kettell to restore part of the area without having to file an application. Vote: 6-0.

Note: Mr. McMorrow left the meeting at this point.

### **44 Helen Road**

Staff noted that the owners of this property had cleared an area within the 100' buffer zone to an isolated wetland. Mr. and Mrs. McEachern stated that a tree had fallen in their yard so they had to remove other trees as well as a lot of poison ivy.

Motion by Mr. Weinberg, second by Ms. Feldman to have staff work with Mr. and Mrs. McEachern to restore part of the area without having to file an application. Vote: 4-0.

### **Stormwater Grant Update**

Staff explained that she had been working on the grant proposal for funding stormwater improvements at Sunset Lake. DEP's Section 319 Program will fund up to 60% of a project cost and the town has to provide at least a 40% match. The grant application requires letters of commitment documenting the match. Staff asked the Commission to consider providing up to \$40,000 of the project cost from their conservation fund.

Mr. Flynn noted the importance of improving water quality. Ms. Feldman noted the lake's importance as a recreational asset.

Motion by Mr. Weinberg, second by Ms. Feldman, to provide a match of up to \$40,000 for stormwater management at Sunset Lake. Vote: 5-0.

### **Open Space and Recreation Plan**

Ms. Feldman requested more specificity in the plan. Mr. Weinberg would like Eaton's Pond and other waterbodies added to the list on "improve environmental quality" items. Mr. Flynn would like to include addressing runoff into the Monatiquot and other rivers from parking lots.

Ms. Feldman and Mr. Flynn noted the importance of completing the plan and getting approval from the state so as to be eligible for certain grant programs. Ms. Waldron stated that the plan would be a "dynamic" document and would serve as a starting point.

### **Approval of Minutes**

Motion by Mr. Hobin, second by Ms. Feldman, to approve the minutes of May 14, 2009. Vote: 5-0.

### **Recommendation for New Member**

Mr. Weinberg noted that a former Commission member, Jan Barris could be a good replacement for Ms. Waldron upon her resignation from the Commission.

### **Motion to Adjourn**

Motion by Mr. Weinberg at 8:45 PM, second by Mr. Hobin, to adjourn the meeting. Vote: 5-0.