

APPROVED



Mayor Joseph C. Sullivan

**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

**CONSERVATION COMMISSION  
MEETING MINUTES  
THURSDAY, JUNE 25, 2009 7PM**

**FLETCHER HALL – TOWN HALL**

Members Present: Patrick Flynn, Chair  
Gus Murphy  
Matthew Hobin  
Alan Weinberg

Staff: Kelly Phelan

**Notice of Intent 8-593**

Applicant: Town of Braintree

Location: Bestick Road Area

Staff noted that the Town Engineer requested the public hearing be continued to the August 13 meeting in order to allow more time for the gathering of the affected property owners' signatures.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue the public hearing to August 13. Vote: 4-0.

## 153 Edgehill Road

Staff gave the background on this issue. In August she learned that the resident of 153 Edgehill (Paul Raynard) had cleared vegetation and filled an area to the rear of his property. This area is town-owned land (under the Parks Department) and within the Commission's jurisdiction as it is within the 200 foot riverfront area from the Fore River. At that time, staff advised Mr. Raynard to remove the fill. Mr. Raynard recently loamed and seeded the area and seems to be using it as an extension of his lawn without review/approval by the Commission or permission of the town as property owner.

Mr. Raynard explained that he bought the house in 2005 and it has a shed which is almost entirely over the property line. In April, 2008 a brush fire was burning in this area and almost caught his shed on fire. He has heard that the shed actually caught fire in 2003, under similar circumstances. He said that some of the neighbors have grass behind their property line and the grass acted as a fire break. That's why he planted grass.

Mr. Raynard presented pictures of the grass area and pictures of the April, 2008 fire.

Mr. Murphy asked what was causing the fires. Mr. Raynard said that it is kids either lighting them or throwing cigarettes on the ground.

Mr. Raynard also said he intends to take the shed down and build a new shed on his property.

Mr. Flynn said that he understood creating a buffer to prevent fire but said that the buffer should be on one's own property, otherwise, everyone adjacent to town property would be able to expand their lawns onto it. He also said it's the Commission's responsibility to enforce the Wetlands Protection Act and that this vegetation removal is within the Commission's jurisdiction. He went on to say that having a turf lawn down the river was not beneficial from an ecological standpoint.

Mr. Murphy asked how far the grass extended beyond the shed. Mr. Raynard said 30 or 40 feet. Mr. Murphy said he considered that a substantial encroachment.

Mr. Weinberg suggested seeding with a wildflower mix in order to eliminate vines and brush which would burn heavily.

Mr. Flynn suggested the possibility of a strip of low vegetation behind the property line but keeping the larger vegetation beyond that, toward the river.

Councilor Dingee commented that many people don't know the wetland regulations and that outreach is needed. He also said he hoped the Commission could work with Mr. Raynard to find a solution.

Ann Tolland from 158 Edgehill Road said that the town used to do controlled burns to prevent the brush from accumulating. She also said that Mr. Raynard is a very good neighbor.

Dave Oliva, Chair of the East Braintree Civic Association, said that the marsh often burns and that at one time the neighbors were petitioning to have all the vegetation cut down.

Jim White from 156 Edgehill Road said the fires are a concern and that Paul is a good neighbor and he was present to support them.

Mr. Weinberg said the methane gas forms in marshes in anaerobic environments and suggested measuring the methane level.

Mr. Flynn said it is the abundance of vegetation in a marsh which can be fuel for a fire.

Mr. Oliva said the Civic Association would be happy to get involved and work with Parks/DPW to seed a strip as Mr. Flynn suggested.

Ms. Tolland said she was in the Gardner's Guild and they have discussed doing something similar to the wildflower meadow at Hough's Neck and that it could be very attractive.

Mr. Murphy asked staff her opinion of Mr. Flynn's suggestion. Staff said she thought it was a very good suggestion.

Motion by Mr. Murphy, second by Mr. Weinberg, to adopt Mr. Flynn's suggestion to allow a wildflower strip behind the property line and that it be mowed once a year for maintenance. Vote: 4-0.

Mr. Flynn asked Mr. Raynard and the neighborhood to work with staff to develop a plan for this and give a progress report to the Commission.

Mr. Dingee said that he received a brochure outlining town rules and regulations from the Town Clerk's office when he moved to town many years ago and suggested the Commission work with the Town Clerk's office to distribute a brochure to new residents.

Mr. Weinberg said the Commission has a brochure and that it should be included in the electric bills from BELD and available at the Building Department.

### **Taber Court**

Staff requested quotes from three real estate appraisers to have the Taber Court piece appraised, per the previous discussion on pursuing this property as a potential land acquisition. Two quotes came back, one from Mary Glanville for \$2800 and one from the Reynold's Company for \$3500.

Mr. Weinberg requested confirmation that only one appraisal is needed when acquiring land.

### **Approval of Minutes**

Motion by Mr. Murphy, second by Mr. Weinberg, to accept the minutes of June 11. Vote: 4-0.

### **Request for Certificate of Compliance 8-531**

Staff explained that the developer of a three-lot subdivision (two building lots and one lot which was donated to the town for conservation purposes) at the end of Ashworth Ave. had requested a Certificate of Compliance to close-out the project. Staff reviewed the as-built plan and conditions and recommended issuing the Certificate of Compliance with surviving conditions on drainage system maintenance.

### **Wetland Ordinance**

Staff noted that while the Commission has discussed the bylaw/ordinance several times, it has not voted to recommend it to Council for adoption. Mr. Murphy suggested waiting for the full board to be present before taking that vote. Mr. Weinberg stated that he would like to increase the no-disturb buffer from 25 feet to 50 feet. The other members and staff agreed that strong buffer zone protections are important.

### **Motion to Adjourn**

Motion by Mr. Weinberg at 8:03 PM, second by Mr. Murphy, to adjourn the meeting. Vote: 4-0.