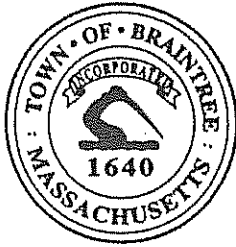


**APPROVED**

**Department of Planning and Community Development**

90 Pond Street  
Braintree, MA 02184  
781 794-8230



Mayor Joseph C. Sullivan

**Braintree Conservation Commission**

Patrick Flynn, Chair  
Donald Murphy, Vice-Chair  
Matthew Hobin  
Daniel J. McMorrow, Jr.  
Gail Poliner-Feldman  
Alan Weinberg

Staff Kelly Phelan

**CONSERVATION COMMISSION  
MEETING MINUTES  
THURSDAY, DECEMBER 17, 2009 7PM**

**FLETCHER HALL – TOWN HALL**

**Public Hearings**

**8-593 Bestick Road Flood Control/Town Engineer**

Members Present: Gus Murphy, Vice Chair  
Gail Feldman  
Daniel McMorrow  
Alan Weinberg

Staff: Kelly Phelan

Staff noted that the Town Engineer had requested the hearing be continued to the April 15<sup>th</sup> meeting.

Motion by Mr. Weinberg, second by Mr. McMorrow, to continue to April 15, 2010. Vote: 4-0.

## 8- Lakeside Dr./BELD Substation addition

Members Present: Gus Murphy, Vice Chair  
Gail Feldman  
Daniel McMorrow  
Alan Weinberg

Staff: Kelly Phelan

Terry McGovern from Stenbeck and Taylor, the project engineer, was present with Sean Murphy of BELD. Mr. McGovern presented the site plans depicting the addition of a second transformer at the substation behind the South Shore Plaza. The project consists of a 46 foot by 27 foot foundation within which the new transformer will sit. The existing condition of the site is that it is entirely within the 100 foot buffer zone to the wetland. The foundation is proposed to be 9 feet from the wetland and will have a rip rap slope down to the edge of the wetland. A temporary access road for construction is proposed from the Plaza site drive.

The transformer unit sits on a concrete pad within the foundation which is filled with ¾" washed stone. The foundation containment system is designed to hold 110% of the capacity of the oil in the transformer. A roof over the transformer has four roof drains which drain into the containment area and run into a sump with a "T" trap. The "t" will allow water to leave but not any oil floating on top of the water. The water would flow into a second tank with a second set of "t"'s and a baffle to hold back any oil, before discharge. BELD has an alarm system in place in case the transformer malfunctions. If water reaches a certain level in the containment unit, notice to pump it out is sent but BELD also inspects it on a weekly or biweekly basis. The water is tested for hydrocarbons prior to being pumped out.

Mr. McGovern also said they would restore the temporary access route. Once construction is finished they will hydroseed and plant trees.

Mr. Weinberg asked what material the overflow tank would be made of. Mr. McGovern said it would be pre-cast concrete.

Mr. McMorrow asked if the substation was built with the expectation of expansion. Mr. McGovern said it was envisioned to allow for expansion. Mr. Murphy said the idea is to have two units at each substation.

Ms. Feldman said they would need strong restrictions and a detailed Order of Conditions. Mr. McGovern said they provided (on the last plan sheet) a narrative on limits of clearing, erosion control, grading and long-term maintenance.

Ms. Feldman asked for clarification that even in a hundred year storm, the second system would capture everything. Mr. McGovern said that the 1500 gallon tank would provide secondary containment even in extreme conditions such as a hurricane or week long rain because the area inside the foundation can hold a large volume of water.

Ms. Phelan asked the Commission how they felt about the 25foot no-disturb buffer, which is proposed to be disturbed by this project. Mr. Weinberg said that in this case where it is a utility project he did not have an issue with it.

Ms. Feldman asked about the wetland. Staff said it originates from near the highway and runs under Common St. in a culvert. There is a stream channel through the wetland. Staff suggested a site visit.

Mr. Weinberg asked when the project would be done. Mr. Murphy said they would plan to do the site work in June and the install the transformer in late August.

Motion by Mr. Weinberg, second by Ms. Feldman to continue to the January 7, 2010 meeting and draft conditions for the project. Vote: 4-0.

## **Other Business**

### **614 Granite St./Sunrise Senior Living Facility Status of Compliance with Conditions**

Staff noted that Attorney Johnson had provided a written update to the Commission on the outstanding conditions and the progress toward meeting them and requested the matter be continued to the January 21, 2010 meeting.

Motion by Mr. Weinberg, second by Ms. Feldman to continue the matter to the January 21, 2010 meeting. Vote: 4-0.

### **Resident Inquiry- Stormwater Regulations**

John Wells of 86 Regis Road had asked to be scheduled on the agenda to discuss stormwater regulations.

Mr. Wells said he also had questions about the Richardi reservoir dredging project which was on the September 24 agenda. He said he has been flooded out twice so he has concerns about the dredging project.

Mr. Wells is concerned about Braintree's implementation of the EPA's stormwater permit. He gave the Commission copies of documents from the Town of Burlington, showing how that town is implementing its permit. He said that Braintree has not filed its required reports for the last two years and is out of compliance and noted that other towns have been fined for being out of compliance.

Mr. Weinberg asked about the flooding Mr. Wells mentioned. Mr. Wells said that when they put a road in at 531 Pond St., water backed up to his house.

Mr. Wells said that he talked to Lou Dutton from the water treatment plant about dredging and Mr. Dutton told him that dredging was a waste of money and that they would dewater anywhere they want.

Mr. Wells said that four companies in town have complied with stormwater permitting and that the Town should have a stormwater committee.

Mr. Weinberg said that the boards check the plans for compliance with the stormwater regulations. Mr. Weinberg also said that the Town Engineer is the best person to talk to about flooding problems. Mr. Wells said that the Town Engineer had been out to his property, as well as the Mayor.

In response to the dredging concerns, staff noted that there are two different dredging proposals. One is for the Richardi Reservoir and one is for the Upper Reservoir/Great Pond. The Commission still has an open public hearing for the Richardi project and has been waiting for additional information from the Tri Town board. Because this hearing has been continued so many times, the applicant will have to re-advertise and re-notify abutters when they ready to continue with the public hearing and permitting process. As for the Upper Reservoir project, the Order of Conditions from the first time this was permitted is still in effect. If there are changes to the proposal, the Tri Town board will have to request to amend this permit in a public hearing process before the Commission.

Staff also explained her understanding of the stormwater permitting issues. Phase II of the Clean Water Act requires cities and towns to address stormwater runoff under the National Pollutant Discharge Elimination System (NPDES). Municipalities are required to implement a number of steps including public education, outreach, ordinances to prohibit illicit discharges to the storm drain system, etc. The Town had to provide a five-year plan of its NPDES program and report on those activities annually. The first three or four years of the reporting had been done but because of changes in the DPW, the reporting and implementation of the permit are not up to date.

Mr. Murphy asked staff to request the DPW Director attend the next meeting to discuss the Town's stormwater permit.

Darlene Aiello of 24 Fabiano Drive said she was at the Randolph Conservation Commission meeting for the dredging project and that there are two DEP file numbers, one for Richardi and one for the Upper Reservoir. She said that the Chair of the Randolph Conservation Commission was not aware of the Richardi dredging application. Staff said she did not know if Tri Town had filed with the Randolph Commission for Richardi and recommended Ms. Aiello inquire with the Tri Town Board. Staff said the Commission had been waiting for additional information on the project.

Ms. Aiello also said that the petition for 531 Pond St. had only gone before the Planning Board and not the Conservation Commission even though the site is in the watershed. Staff said that the McCourt's had gone before the Planning Board to amend a 1994 Special Permit. The proposal did not include construction and had therefore, not triggered Conservation Commission jurisdiction. Ms. Aiello said that they obtained permission for a contractor's yard and to repair trucks and equipment in the watershed.

Mr. Weinberg said that the Commission doesn't deal with use permits, only with site alterations such as excavations, filling, etc.

Roger Aiello said that the change of use involves storing equipment in a wetland and that the Commission has a condition from a 1994 Order of Conditions which prohibits this.

Ms. Feldman said they would look at the 1994 Order of Conditions to make sure they haven't been violated.

Staff said there was not equipment being stored in the wetland.

Ms. Aiello said that the 1994 Order of Conditions prohibited parking trucks within the 50' from the wetland.

Mr. Murphy said the Commission would review the 1994 conditions.

### **Request for Certificate of Compliance 8-571 150 Potter Road/BELD**

Staff explained that this Order was for demolition of the old electric plant (Potter 1) and site preparation for construction of the new Watson power plant. Staff noted that there were no outstanding issues and recommended issuing the Certificate of Compliance.

Motion by Mr. Weinberg, second by Mr. McMorrow, to issue the Certificate of Compliance. Vote: 4-0.

### **Letter to Town Council Regarding Hunting Ordinance**

Staff drafted a letter to the Town Council regarding their proposed hunting ordinance, in order to convey to them the issues that the Commission has been discussing.

Mr. Murphy said he had spoken with Mary Mulready, the Town's public health nurse. Ms. Mulready said that there were 46 cases of Lyme disease in Braintree and that it was epidemic. Mr. Murphy also obtained a study from Westchester County, NY about the effects of deer in suburban areas and encouraged the Commission to read it.

Ms. Feldman said that a town wide policy on hunting is needed and that it shouldn't occur in places where people walk and that there needs to be a way to monitor it.

Mr. Murphy said a management program would keep it off the trails. He said spoke to Councilor Clifford who had proposed the ordinance about setting up a committee to look at the issue town wide.

Mr. McMorrow said that he sees more deer in Braintree than he does in New Hampshire. He also said that he knows the neighborhood next to the Blue Hills has a Lyme disease rate of 50%.

Motion by Mr. McMorrow, second by Mr. Weinberg, to send the letter to the Council. Vote: 3-1 with Ms. Feldman not in favor.

### **Minutes of December 3, 2009**

Motion by Mr. Weinberg, second by Ms. Feldman, to approve the December 3, 2009 minutes.  
Vote: 4-0.

### **Adjourn**

Motion by Mr. Weinberg, second by Mr. McMorrow, to adjourn the meeting at 8:22 PM. Vote: 4-0.