



Mayor Joseph C. Sullivan

Department of Planning and Community Development

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Braintree, MA 02184
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APPROVED

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, JANUARY 7, 2010 7PM FLETCHER HALL – TOWN HALL

Public Hearings

8- 595 Lakeside Dr./BELD Substation addition

Members Present: Patrick Flynn, Chair
Matthew Hobin
Daniel McMorrow
Alan Weinberg

Staff: Kelly Phelan

Sean Murphy was present from BELD. Staff gave the background. At the December 17th meeting BELD had presented the site plans and gone over the stormwater system for the addition to the substation behind the South Shore Plaza. The Commission voted that night to have staff draft conditions for this meeting. Draft conditions included compliance with the tree policy, stormwater system maintenance and erosion control.

Mr. McMorrow said the applicant had addressed all concerns at the previous meeting.

Mr. Weinberg asked Mr. Murphy if they had reviewed the draft conditions. Mr. Murphy said that they had and he gave staff copies of the preliminary construction schedule.

Mr. Murphy asked if the \$4000 as built bond could be waived since it is a town project. Discussion ensued on this request. Mr. Weinberg suggested deleting condition #38 requiring the \$4000 as built bond.

Motion by Mr. McMorrow, second by Mr. Hobin, to issue the draft conditions as amended by Mr. Weinberg. Vote: 4-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to find the project significant to the Wetland Protection Act and Braintree Wetland Bylaw Ch. 12.20 and to close the public hearing. Vote: 4-0.

Other Business

Members Present: Patrick Flynn, Chair
Matthew Hobin
Daniel McMorrow
Alan Weinberg

Staff: Kelly Phelan

Order of Conditions 8-368 - Discussion on Surviving Conditions

The Commission received a letter from the legal firm representing RMT Braintree (McCourt). Mr. Flynn read aloud the letter from Attorney Tocchio requesting that the discussion be continued to the February 4th meeting.

Mr. Weinberg said that it would be wise to postpone the discussion to February 4th meeting.

Mr. Flynn noted that Mr. and Mrs. Aiello were present for the matter and gave them the opportunity to address the Commission.

Darlene Aiello asked that the Commission request Christine Stickney (Planning and Community Development Director) be present at the February 4th meeting. Mr. Flynn said they will make that consideration.

Roger Aiello said that the letter from Attorney Tocchio only mentioned parking trucks but that there is much more than that.

Town's NPDES Permit

The Commission had received a letter from the DPW Director in response to their request that he attend this meeting to discuss the town's compliance with its NPDES [National Pollutant Discharge Elimination System] permit. Mr. Flynn read aloud the letter from Tom Whalen. The letter included actions such as completing the action table reports by the end of January, discussion of permit compliance at DPW meetings once monthly and other steps.

Mr. Weinberg wondered if the DPW's discussion of compliance with the permit would be open to the public and posted?

Mr. Flynn asked staff to provide the action tables reports to the Commission for the February 4 meeting.

John Wells from 86 Regis Road was present. Mr. Wells said he presented his concerns about the lack of a plan at the last meeting. Since then, he has done further research and learned that the town of Canton was fined \$250,000 for non compliance with its NPDES permit. Mr. Wells said he has no business with the Commission except that other towns have stormwater committees and most of these committees have representation from several departments including conservation, health, etc. Mr. Wells also said that 531 Pond St. is an example of what is missing from Braintree and that the industrial park drains to the reservoir.

Mr. Wells asked Mr. Flynn to ask the Mayor to appoint a stormwater committee

Mr. Wells also said that the Planning Board did not enforce section 1101 of the zoning bylaw with 531 Pond St.

Mr. Weinberg asked if minutes are sent to the Mayor's office. Staff said that they are not but that they are posted on the web.

Mr. Flynn asked for a transcript of this discussion.

Mr. Weinberg said it is an important subject and that in the past there used to be technical review committees. They would have specialists come in to present certain topics. Mr. Weinberg asked staff to ask Mr. Whalen if DEP is ever at the DPW meetings.

Mr. Flynn asked staff to let the Commission know the date of the next DPW meeting on stormwater permit so that one of the members can attend.

Conservation Land Ranger Position

Mr. Flynn said that he, Mr. Hobin and Ms. Phelan had interviewed three people for the part-time ranger position. Mr. Flynn said that they all felt that Bill Grafton was the best choice for the position. Discussion ensued as to whether Mr. Grafton should not begin until the weather warms up. Mr. Flynn suggested that 3 hours a week to start would be sufficient. Once Ms. Phelan sees the need for additional hours, that will increase to 4-6 hours.

Motion by Mr. Hobin, second by Mr. McMorrow, to offer the ranger job to Mr. Grafton for limited hours (less than three) until further notice and subject to a CORI background check. Vote: 4-0.

The rate of pay will be \$13.50 per hour to start.

Letter to Town Council Regarding Hunting Ordinance

Staff said the Commission discussed and voted this letter and the last meeting. However, there were only four members voting and 1 dissented. While the Wetland Protection Act allows action to be taken by a majority of a quorum (3 out of 4), it is prudent for other business to be done by a majority of the Commission (4 or more members). Staff had also revised the letter to make the point that public safety is very important to the Commission.

Enforcement Issues – 2 Garden Park

Staff informed the Commission that there are encroachment issues at 2 Garden Park. Staff drafted a letter to Mr. McGourty which requires removal of the encroachments and a surveyed plan to verify that the site be restored to the condition as approved under the permit for the site.

Mr. Weinberg suggested including Mr. McGourty's appearance at the January 21 meeting and copying the Mayor, Town Council and Town Solicitor on the letter.

Wetland Flyer for BELD Mailing

Staff prepared a draft of the educational flyer on wetland regulations for distribution in the Braintree Electric Light Department bills. The Commission gave some feedback and suggested changes. Staff will revise the flyer and move ahead with having it printed for inclusion in the April bill.

Extension Permits

12-20-3 Archbishop Williams Field

12-20-4 Town Detention Basin off Washington St.

Staff explained that these two Orders of Conditions (filed under the local bylaw only) were due to expire on January 10th. Staff had been in contact with Archbishop Williams regarding the as built plans and final close-out but they need a little more time to take care of the last outstanding items. Staff expects this close-out within the next few months but recommend a one-year extension in case of unforeseen circumstances.

Motion by Mr. Weinberg, second by Mr. McMorrow to extend 12-20-3 and 12-20-4 for one year.
Vote: 4-0.

Minutes of December 17, 2009

Motion by Mr. McMorrow, second by Mr. Weinberg, to approve the December 17, 2009 minutes.
Vote: 4-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Hobin, to adjourn the meeting at 7:55 PM. Vote: 4-0.