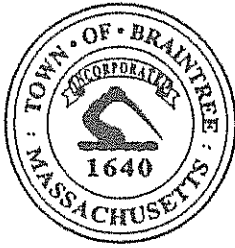


APPROVED

Department of Planning and Community Development

90 Pond Street
Braintree, MA 02184
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Mayor Joseph C. Sullivan

Braintree Conservation Commission

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

Staff Kelly Phelan

**CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, JUNE 17, 2010**

Members Present: Patrick Flynn, Chair
Gail Poliner Feldman
Diane Francis
Matthew Hobin
Daniel McMorrow, Jr.* (*arrived at point indicated*)
Gus Murphy
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

8-602 Notice of Intent Almquist Estates/Elmlawn LLC continued from June 3rd

Paul Brodmerkle from Site Design Professionals was present with the project developer, Al Endrunias.

Mr. Flynn noted that members of the Commission had done a site visit.

Mr. Brodmerkle reviewed the proposal for an eight lot subdivision and the stormwater management system which consists of catch basins in the proposed road, a water quality inlet (Stormceptor) and a recharge structure. He said they balance pre and post development flows. Under the stormwater regulations they are required to infiltrate 400 cubic feet. There is capability for 1100 cubic feet in the recharge units and another 3600 cubic feet in the units for the roof runoff from the houses. Mr. Brodmerkle said that the Town is not willing to maintain the system so they are going to form a homeowner's association to maintain it.

Mr. Brodmerkle discussed the ditch at the rear of the property. He said the 25 foot buffer is to primary to prevent nutrients from running off into the water. They are asking for an exception for the lot 6 and propose a pervious paver patio behind the house, within the 25 foot buffer. This is to give the future owner some outdoor space but eliminate grass which could have fertilizers and chemicals.

Ms. Feldman said she would need to see a work limit and Ms. Francis said she was concerned about the patio. Mr. Brodmerkle said it would extend 10 feet into the 25 foot buffer and they could fence the area behind so there would be a 15 foot undisturbed buffer.

Mr. Weinberg said the 25 foot buffer was established as a protection to wetlands for water quality and groundwater recharge and that the Commission has a 50 foot buffer pending before the Town Council.

Ms. Francis said it is not really a wetland but a ditch. Ms. Feldman said neighbors at the site visit said they used to boat and skate there so it was a wetland originally.

Mr. Murphy asked if it was possible to move the house up on that lot. Mr. Brodmerkle said they just meet the front setback.

Staff said the ditch/wetland does not appear to be jurisdictional under the state Wetland Protection Act since it is not bordering on a stream or other resource area and it does not meet the definition of isolated wetland either. However, the local bylaw defines freshwater wetland broadly and this could be jurisdictional under the local bylaw.

Mr. Weinberg said the Commission could take jurisdiction under the local bylaw and that he saw beautiful wetland vegetation there, such as red maple and jewelweed.

Ms. Feldman said that the Commission could require the applicant to pay for an engineer to review the stormwater management information. Mr. Brodmerkle said the town engineer was given a set of plans and is reviewing them.

Ms. Feldman asked if the ditch would be maintained by the homeowner's association. Mr. Brodmerkle said yes. They will remove the compost pile and yard waste along the ditch and seed the bottom of the ditch but will not remove the canopy of trees over it.

Staff asked if the planned to construct all the houses themselves or sell the lots for individual homeowner construction. Mr. Endrunias said they might sell off lots but they will control all the site work.

Mr. Weinberg said he talked to Mr. Almquist about a greenhouse for the homeowners and he was receptive.

Mr. Flynn said he would entertain a motion for draft conditions. Ms. Feldman said it was premature to move ahead with draft conditions; she wants to think about the patio in the buffer zone and hear from the town engineer.

**Mr. McMorrow arrived*

Motion by Mr. Weinberg, second by Mr. Hobin, to continue the public hearing to July 15, 2010.

8- 601 Notice of Intent 2 Garden Park/McGourty

Brian McGourty was present. Mr. Flynn asked him why he was not at the last two meetings. Mr. McGourty said that during the site visit they had talked about having the plans revised and his engineer hadn't completed the plans. Mr. Flynn said he has serious wetland violations on his site and is in violation of the law and needs to respect the law and the Commission.

Mr. McGourty presented a revised plan which increases the size of the buffer up to 20 feet and depicts a compensatory flood storage area.

Mr. Flynn said he is getting closer but will need to move the block wall out to achieve the 25 foot buffer.

Ms. Feldman said he is providing the replication area as an additional benefit. Mr. Flynn said he has to provide it.

Staff said the plan should show the whole site; there is a stream behind the building which is not shown and the conditions around that stream need to be addressed. Staff also said there is not enough information on the compensatory flood storage area on the plan.

Ms. Feldman said the plan seems reasonable, he is putting in a replication area and a wall so he can't encroach again.

Mr. McGourty said he would wait for a letter from staff outlining what needs to be on the plan.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue the public hearing to July 15, 2010.

Other Business

Discussion with MADOT – Negative Determination Wood Rd. Facility

Staff explained that in 2007 the Commission issued a negative Determination of Applicability for work at Mass Highway's Wood Rd. facility. The work involved capping an old solid waste landfill. Staff said the solid waste landfill had been addressed by DEP's Waste Management Division and the capping plan developed under DEP's regulatory process for solid waste. The construction part of this – site work and grading - was reviewed because it is within 100 feet of wetlands. The Commission had decided to issue a negative Determination and not require the Notice of Intent application to be filled provided the applicant installs erosion control.

Ken Leach from MA Department of Transportation (formerly MA Highway Department) was present with Tony Wespiser from BETA Group.

Mr. Wespiser said it is not a conventional landfill but two areas which were used for dumping of construction debris such as concrete and asphalt. The proposal developed under MA DEP's Bureau of Waste Prevention – Solid Waste Management Section is to remove some soil and waste around the

edges of the sites to maintain grades and then cap with 18 inches of sand, then loam and seed on top of that.

Mr. Weinberg asked if the waste is hazardous. Mr. Leach said that based on the test pits it is fairly innocuous materials such as concrete.

Mr. Wespiser said that three monitoring wells were installed and three more are to be installed during the capping. The site will be monitored annually in accordance with DEP's requirements.

Staff said the letter from DEP's Solid Waste section was in the file. The letter approves the plan for capping. Staff said she would leave the solid waste issues to DEP.

Mr. McMorrow said that if DEP's experts had approved the plan he would leave it to them.

Mr. Leach said they had to do an alternatives analysis for DEP on how to best deal with the dumping areas and this was the alternative approved.

Mr. Weinberg said he wants up to date information and is concerned about the town's liability. Mr. Leach said nothing has changed since DEP approved the capping plan and that MA DOT is liable since it is their site.

Mr. Weinberg asked if the health department had information about this. Mr. Flynn said there was a letter in the file from the Executive Health Officer and read the comments.

Mr. Leach said they had satisfied DEP that the waste is not hazardous.

Motion by Mr. Weinberg to grant a one-year extension of the negative Determination with additional information supplied by MA DOT. Mr. McMorrow asked what specific information Mr. Weinberg was looking for. Mr. Weinberg said a current report of conditions.

Mr. Leach said they don't have a current report since nothing has changed in the last three years.

Ms. Feldman asked staff to make a site visit.

Motion by Mr. Murphy, second by Mr. McMorrow, to grant the request for an extension of the negative Determination. Mr. Weinberg said he would like additional information. Discussion ensued. Mr. Weinberg said he would like a current letter from DEP that they are satisfied.

Mr. Hobin asked for clarification that the work is more than 50 feet from the wetland. Mr. Wespiser said it was.

Staff said the letter from DEP was in the file and asked Mr. Leach about obtaining a current letter. Mr. Leach said he didn't believe DEP would issue another letter.

Staff suggested she call the individual from DEP who wrote the letter and confirm with him that the letter was still valid.

Motion by Mr. Murphy, second by Mr. McMorrow to extend for three years the negative Determination based on confirmation by staff's site visit and call to DEP. Vote: 7-0.

Sunset Lake Weed Treatment

Staff said that she had been talking to the Natural Heritage and Endangered Species people as well as Aquatic Control Technology (the weed treatment contractor) about the infestation of fanwort by the high school area boat launch. A day of hand pulling by two divers would cost about \$1500 versus a \$6000 treatment with Sonar. The Sonar treatment would also require keeping a barrier up around this cove for the summer to keep the Sonar in contact with the vegetation. The cost, need for a barrier and presence of the rare mussel make the hand pulling the best option at this time.

Ms. Feldman said that the town needs to get information out to boaters and suggested an article for the paper.

Motion by Mr. Murphy, second by Mr. Hobin, to proceed with hand-pulling for up to two days at \$1500 a day. Vote: 7-0.

Minutes of 2010

Mr. Murphy pointed out that he was not present at the June 3 meeting as the draft minutes indicate and requested they be amended.

Motion by Mr. Weinberg , second by Mr. McMorrow, to accept the minutes of June 3 as amended. Vote: 7-0.