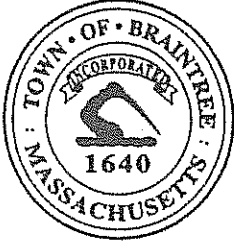


Department of Planning and Community Development

90 Pond Street
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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, AUGUST 12, 2010**

APPROVED

Members Present: Patrick Flynn, Chair
Diane Francis
Matthew Hobin
Daniel McMorrow, Jr.
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

8-578 Notice of Intent Oregon Ave./McGrath

The applicant was not present. The Commission laid this hearing on the table to see if they arrive.

At the conclusion of the other public hearings the Commission returned to this. Staff said she had met with their engineer yesterday and knows they are making effort and recommended continuing to the next meeting.

Motion by Mr. Weinberg, second by Ms. Francis, to continue the hearing to September 16. Vote: 5-0.

8-601 Notice of Intent 2 Garden Park/McGourty

Documents or Exhibits:

- 1) Plan: Wetland Protection at 2 Garden Park. Braintree, MA.
Revision Date: August 12, 2010

Patrick Roseingrave, PE was present representing the applicant, Brian McGourty. (Mr. McGourty was not present.) Mr. Roseingrave presented the plan to the Commission showing an area of fill which he said was 103 cubic yards. He said they propose to remove that fill down to elevation 100 and plant the

species recommended by the wetland consultant. He pointed out a concrete block wall and a cape cod berm. The block wall would prevent access to the wetland. The block location will be staked by survey ahead of construction so they go in the right place.

Mr. Flynn asked what is between the block wall and the cape cod berm. Mr. Roseingrave said the shaded area of the plan is a mix of black top and soil and he estimates its volume at 52 cubic yards. He said they will take the soil out and put in stone.

Ms. Phelan said the area is intended to be used for parking and storage. Mr. Flynn said he expected a higher wall and the area pitching away from the wetland. Mr. Roseingrave said they can't fill it that much because it is 100 year floodplain.

Mr. Weinberg looked at the wetland delineation and asked for soils data and reflagging. Mr. Roseingrave said it had been flagged three months ago. Mr. Weinberg said that he could not support parking in the floodplain.

Staff said she agreed that floodplains should not be developed, however, the time to raise this was three months ago.

Mr. Flynn asked about the height of the block wall and what would prevent snow from being pushed in there. Mr. Roseingrave said they could allocate an area for snow elsewhere on the site.

Mr. McMorrow asked if we have allowed other parking in the floodplain. Staff said parking in the floodplain was allowed at Lundquist Drive project. She added that it was an existing parking lot in the floodplain and the tradeoff for the additional spaces was the upgrade of the stormwater system and water quality improvements.

Mr. Roseingrave said that Commission's usually like crushed stone rather than asphalt in the floodplain because it allows for recharge.

Mr. Weinberg said he can't make a decision when the fine is in appeal.

Motion by Mr. Weinberg, second by Ms. Francis, to lay this on the table until the fine is resolved.
Vote:5-0.

Motion by Mr. Weinberg, second by Mr. McMorrow, to continue 8-601 to the September 16th meeting.
Vote: 5-0.

Mr. Roseingrave asked for feedback about the plan. Ms. Francis said the wall should be higher. Mr. Flynn said he thought a higher wall and slope away from the wetland was what would be proposed.

8-602 Notice of Intent Elmlawn Rd. (Almquist Estates)/Elmlawn LLC

Documents or Exhibits:

- 1) Plan: Notice of Intent Topographic Plan "Almquist Estates"
Revision Date: July 21, 2010

Paul Brodmerkle, project engineer, and Al Endrunias were present.

Mr. Brodmerkle said there was discussion at the last meeting concerning the isolated wetlands connection to the lower ditch. They propose to connect the two areas. They have pulled the haybales back 10 feet in this location so there will be a buffer. A wooden split-rail fence will be constructed along the length of the buffer.

Mr. Weinberg said there are several issues which haven't been resolved. He is concerned about downstream flooding and said the abutters testified about the flooding problem. He said he hadn't seen enough data to know this won't increase flooding. Mr. Brodmerkle said the neighbors were concerned about the ditch because it is blocked but the applicant is going to clean it out. Mr. Brodmerkle also said they submitted data showing that the pre and post development flows are balanced.

Mr. McMorrow said he had the impression that the neighbors felt it would be a benefit to have the ditch cleaned out. Mr. Weinberg said there was no guarantee that it would be maintained. Staff read the conditions relative to stormwater system maintenance. They require the formation of a Homeowner's Association prior to the start of work and specify that the Association is responsible for maintenance. Mr. Weinberg said the condition has to say the maintenance runs with the title to each lot.

Mr. Weinberg said he has seen no soils data and that he pointed out wetland plants in areas outside the delineation. He has not seen data that the wetland was appropriately delineated. Staff said she did not have an issue with the delineation. Mr. Weinberg said he wants data and another site visit. Mr. McMorrow said the applicant hired a professional wetland scientist in good faith and that questioning the delineation was not a good precedent. Staff said it is fine to question a delineation but it should happen earlier in the process. Mr. Weinberg said he raised these questions during his site visit. Ms. Francis said it is a drainage ditch, not a marsh or wetland in the typical sense.

Motion by Mr. McMorrow, second by Ms. Francis, to issue the conditions as drafted. Discussion: Mr. Weinberg said he wanted to read all of the conditions first. Vote: 4-1 with Mr. Weinberg opposed.

Motion by Mr. Weinberg to read every condition for the purposes of amending. There was no second.

Mr. Brodmerkle said he would send the soils data.

8-603 Notice of Intent 79 Canavan Drive/Zechello

Documents or Exhibits:

- 1) Plan: Notice of Intent Plan 79 Canavan Drive
Revision Date: August 12, 2010
- 2) Letter: From Division of Fisheries & Wildlife
Dated: July 29, 2010

Robert Hannigan, engineer for Kristen and Robert Zechello, presented the revised plan for the inground pool. Mr. Hannigan pointed out the wetland line and 25 foot buffer, noting that they are staying out of the 25 foot buffer. He said haybales will be placed at the 25 foot buffer and boulders from within it lifted out for construction of the retaining walls. He said the area is within the Area of Critical Environmental Concern and mapped as rare species habitat. They filed with Fisheries and Wildlife and received an approval letter from them.

Mr. Hannigan said that two terraced retaining walls with a four foot planting strip between them will be constructed and the pool will be placed within the filled area.

Mr. Weinberg asked if there would be any blasting. Mr. Hannigan said there would not.

Staff asked for clarification of the retaining wall design. Mr. Hannigan sketched a profile on the chalkboard.

Mr. Weinberg asked where the pool pumps and chemicals will be kept. Mr. Zechello said in the pool shed or in the basement and explained that fiberglass pools run cleaner than liner pools.

Mr. Flynn asked about flushing the pool. Mr. Zechello said it doesn't need to be flushed, it will be kept full.

Staff asked for details of the wall to be shown on the plan. Staff also asked about the drainage pipe and asked for some treatment because of the possibility of nutrients, lawn fertilizers, etc. being discharged to the wetland which in turn drains to Cranberry Pond. Mr. Hannigan said they could add a stone infiltration area or level spreader.

Mr. Weinberg asked how many trees would be removed and said the Tree Policy would have to be followed. He added that the tree removal leads to losing benefit of groundwater absorption. Mr. Zechello said many of the trees are growing on ledge. Mr. Hannigan said that about 1300 sq. ft. of area will be filled by the pool but the pool allows for some freeboard because it captures water.

Mr. Flynn asked that the planting plan for tree replication be shown on the revised plan.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue to the September 16th meeting.

8- Notice of Intent 39 Vinedale Road/Metropolitan Yacht Club

Documents or Exhibits:

- 1) Plan: Proposed Work Plan- Bulkhead Replacement and Revetment Replacement Project
Metropolitan Yacht Club Braintree Massachusetts
Dated: 7/21/10

Christine Player from Vine Associate /GZA Environmental was present with Steve Green from the Yacht Club. Ms. Player presented the plan and said in addition to an Order of Conditions they need a Chapter 91 Permit, an Army Corps of Engineers permit and a waiver from the Planning Board.

The proposed replacing the existing timber bulkhead (@150 feet in length) with a stone revetment. The area in front of the bulkhead is disturbed already with broken pilings. The expansion of the footprint with the revetment will occur within the previously disturbed area.

A shed in the parking lot will be removed during construction and replaced once completed. Granite block curbing is proposed within the parking lot with a stone infiltration trench to treat runoff.

The other portion of work is the existing revetment which has become raveled. The revetment will be rebuilt in the existing footprint.

Ms. Francis asked about construction impact. Ms. Player said that the new revetment will be done from the land side. The existing revetment will be done either at low tide with equipment or from the water. She added that about 25 feet per day can be done so it shouldn't take more than a few days.

Mr. Flynn raised the comments in the staff report about the proposed infiltration trench relative to maintenance of the trench and pollutant loading from boat washing.

Mr. Green said the boats are washed in front of the boat lift it and they are pursuing funding for a boat wash basin. Ms. Player said that the trench is intended to be inexpensive to maintain; the layer of peastone will be scrapped off and the sand replaced. Mr. Flynn asked who would maintain it 25 years from now. Mr. Green said that is difficult to say but that there are work party hours for all members.

Ms. Francis suggested a site visit.

Mr. Weinberg asked about fisheries and shellfish and what would be done during spawning season. Ms. Player said they will rely on Division of Marine Fisheries comments and a time of year restriction, if there is one.

Motion by Mr. Weinberg, second by Mr. McMorrow to continue to September 16th meeting. Vote: 5-0.

Other Business

Request for Partial Certificate of Compliance 8-563 for 14 Columbus Ave./Schneider

Elliot Schneider was present and explained that he filed two separate Notices of Intent for two parcels on Columbus St. He was issued two Orders of Conditions, one for each parcel. However, the plan title listed on each Order included both lots. Now that he is selling 14 Columbus Ave., the closing attorney has asked for a release of 14 Columbus Ave. from File 8-563. (Note: 14 Columbus was constructed and a Certificate of Compliance issued for it under File # 8-564.)

Staff said she did not agree with the closing attorney's interpretation of the documents but that a partial Certificate could be issued to resolve the issue.

Motion by Ms. Francis, second by Mr. Weinberg, to issue a partial release of 14 Columbus Ave. from file 8-563. Vote: 5-0.

Braintree Dam

Susan Smith and Tom O'Brien were present to discuss management of the Braintree Dam with the Commission. Mr. O'Brien's wife had contacted staff on this issue earlier in the week with concern that outflow from the dam at this time of year is harming wildlife who rely on the reservoir. [The dam is managed by the Highway Dept.]

Ms. Smith presented a powerpoint from her laptop on the uses of shallow water to wildlife for food and the importance of the reservoir to migratory birds. She said there is not as much abundance of wildlife in the Town Brook, She does not support the practice of allowing outflow from the reservoir to support the brook because there is a greater wildlife benefit from higher water in reservoir than flow in the brook.

Ms. Smith added that the Assistant Highway Superintendent, Steve O'Brien opens the valve in the spring to increase flows for spawning fish. She calls him when notices the reservoir going low and he returns to close the valve. However, the valve is left ¼ turn open after the fish run to allow for flow to the Town Brook.

Mr. Weinberg said that if Town Brook were shut off, fish and amphibians downstream would be cut off. He added that and that this is a compromise between the resource areas.

Mr. Flynn said there are impoundments all along riverine systems where this happens. In his former position with the MA Department of Conservation and Recreation he was responsible for manipulating the Charles River system. It is not always possible to predict ahead accurately and know when to hold water back and when to let it go, based on potential weather.

Ms. Smith said the reservoir was created to be a wetland but it is not being maintained.

Mr. Weinberg said that frogs estivate and birds migrate in dry conditions and that this is natural ecosystem shift.

Mr. Flynn said suggested staff work with Mr. O'Brien to try and fine tune operations.

Tolland Trail

Mr. Weinberg said he was working with the East Braintree Civic Association on revegetating the trail between Smith Beach and Watson Park. They plan to plant *Rosa rugosa* along the trail and asked if the Commission felt that an application was necessary. The Commission did not feel that an application was necessary. The group will come before the Board to discuss.

**Request for Release of Wetland Replication Bond
8-548 400-432 Mahar Highway/Pulte Homes**

Staff said that Pulte Homes had hired a wetland scientist to document the success of the replication area planted by the previous developer. The consultant from New England Environmental, reported 90% coverage by native wetland indicator species. This satisfies the replication conditions of the Amended Order of Conditions issued to the applicant. The applicant requested release of the bond and staff recommended releasing the bond.

Mr. Weinberg said the bond should not be returned until the project is complete.

Mr. McMorrow said that if the condition says it will be returned once documentation is provided that it should be returned.

Discussion ensued. Staff read the replication conditions.

Motion by Mr. Weinberg to sent to Town Counsel for an opinion. There was not a second.

Motion by Mr. Hobin, second by Mr. McMorrow, to release the bond. Vote 4-1 with Mr. Weinberg opposed.

Minutes

Motion by Ms. Francis, second by Mr. McMorrow to approve the July 15, 2010 minutes. Vote: 5-0.

Motion to Adjourn

Motion by Ms. Francis, second by Mr. Hobin, to adjourn the meeting at 9:25 PM. Vote: 5-0.