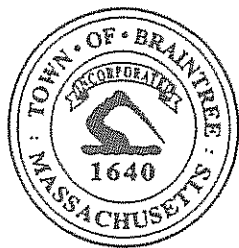


# Department of Planning and Community Development

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, DECEMBER 16, 2010

**APPROVED**

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

Staff: Kelly Phelan

### Public Hearings

#### Notice of Intent 8-605 69 & 81 Common St./Mento Enterprises, Inc.

##### *Documents:*

- 1) *Plan: Notice of Intent Site Plan in Braintree, Massachusetts*  
*Dated: August 12, 2010 and revised 11/2/10 and 12/2/10 and 12/15/10*

Jim Manganello, environmental consultant with LEC presented the revised plan because the engineer, Greg Bunavicz was unable to attend. Joe Mento, the project developer was also present.

Mr. Manganello went over the changes to the plan since the last hearing. A detail of the porous pavement was added as well as a detail for the roof drain. The test pit was done and its location and data was added to the plan. The high groundwater level is estimated to be at elevation 34.5. The bottom of the dwelling will be at elevation 38. The roof drain will have a three and half foot separation to groundwater. Grading will be done in the front of houses to create this elevation for the roof drains and for aesthetics.

Ms. Feldman asked for clarification that the ground will be able to absorb this water. Mr. Manganello said yes, there will be 3 ½ feet of soil available for the water to perc into before reaching groundwater.

Staff said that the test pit findings and grading address the concern about the capacity of the soil to absorb more water.

Mr. Flynn asked for public comment.

Mike Radigan asked what recourse they have in case the neighbors end up with more water. He said there is a substantial amount of water out there now.

Staff said it would be hard to measure that there is an increase in drainage problems because of this additional house.

Mr. Manganello said that the proposal provides for infiltration and reduces impervious area so it should not create an increase in flooding.

Ms. Feldman asked if he was saying this as an engineer. Mr. Manganello said that he is not an engineer but that Greg Bunavicz is and he designed the drainage. Mr. Manganello said that what is proposed in terms of reducing impervious cover and providing infiltration goes above and beyond what is required by the stormwater standards for three single-family houses.

Staff agreed with Mr. Manganello's statement that the proposal goes beyond what is required by the stormwater standards. Staff also said that the impervious surface reduction and infiltration reduce runoff and flooding potential.

Motion by Mr. Weinberg, second by Mr. McMorrow, to continue to the January 6<sup>th</sup> meeting for draft conditions. Vote: 6-0.

#### **Request for Determination of Applicability 2-10 Commercial St./S&H Family Realty Trust**

Staff said that the applicant asked for a continuance of the hearing to the January 20<sup>th</sup> meeting.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the hearing to January 20<sup>th</sup>. Vote: 6-0.

#### **Request for Determination of Applicability Quincy Ave. Bridge and Commercial St./Robert Campbell**

##### *Documents:*

- 1) Plan Set: Public Works Economic Development Project Braintree Weymouth Landing Conservation Commission submittal*

*Dated: December 2, 2010*

Mr. Campbell was not present when the hearing was first called. Motion by Mr. Weinberg, second by Mr. McMorrow, to table until his arrival. Vote: 6-0.

Mr. Campbell arrived later in the meeting and the hearing began.

Mr. Campbell said that Braintree and Weymouth received a 2.4 million dollar grant for Public Works Economic Development to revitalize the Landing area in both towns. The work is from Gordon Rd. down Quincy Ave. and Commercial St. the post office in Weymouth.

Mr. Campbell said that a water main will be connected across the Quincy Ave. Bridge. There used to be a water main across the bridge but it was not in good condition and it was cropped the last time bridge work was done. This project will reconnect the existing mains on either end of the bridge. It will be suspended along the side of the bridge because there is no room in the utility bay of the bridge. Work will probably be done from the deck of the bridge.

The second component the RDA was filed for is work around the Smelt Brook culvert where it crosses Commercial St. There are steel plates covering the culvert behind the Landing Pub. These were put in place because a sinkhole developed about eight years ago. Mike Richardi and the Pond Meadow board are interested in removing debris from the culvert and asked that access be provided. This proposal includes an access hatch in the sidewalk behind the pub (on Brookside Rd.). The proposal also includes replacing drop inlets to the culvert in Commercial St. These will be replaced with curb inlets that collect in a deep sump catch basin to provide sediment removal and a top slab will be placed over the culvert.

Ms. Feldman asked the culvert can be cleaned out. Mr. Campbell said that the sediment flushes out but there is debris in the Landing Pub section of the culvert.

Mr. McMorrow said the Commission heard the proposal from the Landing Pub owners at the previous meeting and that it sounded as though there wasn't much flow through there. Mr. Campbell explained that much of the flow is diverted to a 96 inch bypass culvert (part of the Army Corps flood control project creating Pond Meadow). He said there is base flow through the Smelt Brook culvert.

Mr. Flynn asked how the deep sump catch basins will be cleaned. Mr. Campbell said the Braintree Highway Department has a schedule to get all catch basins cleaned out once a year.

Mr. Campbell also said silt sacks will be used in the storm graded during construction.

Ms. Feldman asked how the water main work would affect the Monatiquot River. Mr. Campbell said it would eliminate the occasional discharge of chlorinated water to the river when the water pipes are flushed.

Staff suggested issuing a negative Determination of Applicability with the conditions that silt sacks be used and debris be removed from the culvert.

Motion by Mr. Weinberg, second by Mr. McMorrow, to issue a negative Determination with the conditions as suggested for the work associated with the PWED grant. Vote: 6-0.

## Other Business

### **Discussion with Resident - Hunting Policy**

Gerald A. DeGregorio from 2080 Washington St. was present to discuss his concerns about hunting policy with the Commission. He said he is a business owner, licensed sportsman with 16 years of experience and in 2005 his organization donated a 1.7 acre parcel to the Town for a detention basin off of Storrs Ave.

Mr. DeGregorio said he knew the Commission had discussed hunting before but that circumstances have changed. There is an increase in Lyme disease. He said he was addressing the concerns of the sportsmen in town. He contacted Peter Morin and Kelly Phelan about the posting of the South St. land. He said the sportsmen police their own. He told the individual who had the permanent tree stands at South St. to remove them.

He said there are legal ramifications if a person could link a case of Lyme disease to the town not taking steps to reduce the deer population. He said it is also an issue of highway safety. The Animal Control officer told him that he removed 12 deer from the road in the last 12 months. He said the deer will only continue to reproduce.

He said the Commission is in conflict with state laws which allow hunting on conservation land. It angers him that he is denied his right to hunt in his own town and he is in disagreement with closing South St. to hunting. He said it terms of safety, archers have to be within 30 yards of their target so they know exactly what they are shooting at. Also they are usually in trees so if they miss the arrow goes into the ground.

He said in New Jersey suburbs people had to be moved out of their houses so expert hunters could come into the area and thin the herd.

He said he spoke to Mayor Sullivan about the issue and they discussed regulating it. He suggested that hunters go to the Police Station with their hunting license and archery license to register and give their plate numbers. That way the police will know who is out there.

An unidentified man in attendance said that hunters are the first conservationists. He also said other towns allow deer hunting on town land.

Mr. DeGregorio said that the posting is in violation of state law because the signs have to be posted every 50 feet. Staff said that she has looked into this and the regulations say that posting has to be conspicuous but does not define a spacing.

Ms. Francis said that (human) population density is a factor, you wouldn't hunt in Boston or even Quincy. Mr. DeGregorio said that there is open space in Braintree and you have to be 500 feet from a dwelling.

Vinnie Avalino said that he had a large deer carcass on his property which was eaten by coyotes.

Ms. Feldman said the Commission talked about hunting policy a great deal and understand the population issue but the Commission felt is important that people be able to walk in the conservation parks. Mr. DeGregorio said state law directs hunters to go to conservation land to hunt and other towns allow it.

Mr. Flynn said support from the town for hunting hasn't materialized. The Commission doesn't have one letter from a member of the public asking for hunting to be allowed.

Mr. McMorrow said he respected their position and wanted them to know that the Commission had debated this at length in the past. There is representation of hunters on the Commission and they are not against hunters.

Mr. Flynn suggested to Mr. DeGregorio that he collect information on deer population, Lyme disease cases, etc. and send it to staff who will forward it to the Commission.

### **Discussion with Ranger**

*Documents: Outline of Ranger Activities  
Spreadsheet of Kiosk Construction*

The Conservation Ranger, Bill Grafton, was present to update the Commission on his activities. He has spent time cleaning up party sites at Cranberry Pond, constructed the kiosk for the entrance, brought one of the environmental police to the park to familiarize them with it and also met with Braintree Deputy Chief Jenkins to ask for patrols to be stepped up. Mr. Grafton said that signage such as "park closed from dusk to dawn – no parking during those hours" is needed to give the police the ability to ticket those who would park and go in at night to party.

Mr. Grafton provided a spread sheet account of time involved in constructing the kiosk (including volunteer hours) and asked the Commission to revisit the amount of hours he was approved to do the work. Mr. Flynn asked that he summarize this in writing and give to the Commission to consider for their next meeting.

Mr. Grafton asked that thank you letters be sent to the people who volunteered on the project. Staff will draft this on behalf of the Commission.

Mr. Grafton discussed Eaton's Pond, noting the problem with homeless camps and party sites. He participated in the November 14<sup>th</sup> clean up with staff and the Thayer Academy Environmental Club and he showed photos of that. Additional clean ups are needed along with a plan for the area.

Mr. Grafton moved on to South St. area. He found permanent hunting stands which are not allowed without landowner permission as well as bait towers. He posted the no hunting signs in consultation with staff and based on the Commission's wish. He suggested the Commission consider allowing bow hunting on the west side of the property because there are no houses or walking trails in that area. He also proposed the Commission consider ATV use by permit on the east side in exchange for their commitment to be trail stewards.

Ms. Feldman asked what was done at the Sunset Lake parcel off of Canal St. Mr. Grafton said that he and staff and a former Commission member (Jan Barris) pulled debris out of the channel and he cleaned up some dumped materials.

Mr. Flynn suggested that Mr. Grafton work with staff and develop a list of priorities to address the various issues at the conservation area

### **Requests for Certificate of Compliance**

#### **8-522 Greenbush Line/MBTA**

Staff said she was still reviewing this and would put it on a future agenda.

#### **8-583 385 Quincy Ave./CITGO**

Staff said this was a grading and stormwater improvement project. She reviewed the As Built plans, the Order of Conditions and made a site visit and recommended the Commission issue the Certificate of Compliance with surviving conditions #30 and #31 regarding stormwater system maintenance.

Motion by Mr. McMorrow, second by Mr. Weinberg, to issue the Certificate of Compliance for 8-583. Vote: 6-0.

Motion by Mr. Weinberg, second by Ms. Francis, to release the \$4000 As Built guarantee. Vote: 6-0.

#### **8-131 5 Kenning Terrace/Kenneally**

Staff said that the Notice of Intent for this project was filed in 1980 for two house lots and had never been closed out. The owner of one of the lots (and wife of the applicant) contacted her to request a Certificate of Compliance to clear the title. A cease and desist had been issued in 1982 because the filling on one of the lots was not per plan. After reviewing the file and making a site visit, staff could see no issue with the filling and determined that it was outside of the Commission's jurisdiction anyway. Staff recommended issuing the Certificate of Compliance.

Motion by Ms. Feldman, second by Mr. Hobin, to issue the Certificate of Compliance for 8-131. Vote: 6-0.

### **Administrative**

Staff asked the Commission how they would like to handle attendance confirmation. The Department Director asked that members start confirming their attendance by email when the agenda is sent. Mr. McMorrow suggested that "regrets only" need to be communicated to staff. Staff confirmed that she will plan to have everyone there unless she hears differently. The Commission was in agreement.

## **Minutes**

*Documents: Minutes of 12/2/10 meeting*

Motion by Mr. Weinberg, second by Ms. Francis, to approve the minutes of the December 2nd meeting. Vote: 6-0.

## **Adjourn**

Motion by Ms. Feldman, second by Mr. Weinberg, to adjourn at 9:10PM. Vote: 6-0.