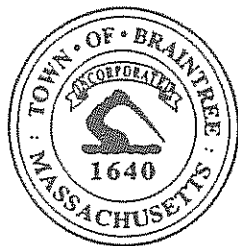


Department of Planning and Community Development

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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, MARCH 24, 2011

APPROVED

Members Present: Patrick Flynn, Chair
Gail Feldman
Diane Francis
Daniel McMorrow, Jr.
Gus Murphy
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

Notice of Intent DEP File # 8-607 off Birchcroft Rd./Algonquin Gas Transmission, LLC

*Documents: Draft Conditions dated March 16, 2011
Notice of Intent application dated February 17, 2011*

Kelly Kippenberger, wetland scientist with TRC Environmental Company was present. Ms. Kippenberger presented the site plan included in the NOI application and reviewed the proposal presented at the March 3rd meeting. As part of a maintenance and inspection program, Algonquin Gas proposes installation of a receiver barrel at the meter station off of Birchcroft Rd. The receiver barrel receives an inline inspection tool which inspects the condition of the pipe along its length before being discharged to the receiver barrel. There is a bordering vegetated wetland associated with a perennial stream which is a tributary to Smelt Brook. She said the area is open field so there will be no tree removal.

Mr. Flynn asked for comments from the public. There were none.

Staff prepared draft conditions for the Commission to review. Ms. Kippenberger said that they would like discuss condition #29 which requires a bond to guarantee submission of the as-built plan and

request for the Certificate of Compliance. Ms. Kippenberger said she didn't think it was applicable to this type of project because the maintenance of the pipeline is required and the location of the barrel is the only place it can go. Staff said the reason for the bond is to ensure that applicants come back and close out the file by providing as-built plans and obtaining a Certificate. Staff said there had been problems with this in the past so this condition was put in place to address that.

Mr. Weinberg asked how soon after construction the as-built would be provided. Ms. Kippenberger said they were constructing a number of these projects this spring. She wasn't sure if they would be surveyed all at once at the end or as each one was individually completed but that, in any case, they would provide it within the three-year period covered by the Order.

Ms. Feldman asked if the bond could be used to address the site if it is not stabilized. Staff said it was to guarantee as built submission and the request for Certificate. Staff said if they did not adhere to the conditions that would be handled as enforcement.

Ms. Kippenberger said she would want to wait at least one growing season after construction to make sure the site is stabilized, before requesting the Certificate. Ms. Kippenberger added that Algonquin has completed several projects in the town and has always requested a Certificate. Staff agreed that Algonquin has not let Orders lapse without closing them out.

Motion by Mr. Weinberg, second by Mr. Murphy, issue the conditions but not require the \$2000 as-built bond. Vote: 5-1 with Ms. Feldman opposed.

Notice of Intent DEP File # 8-606 915-1001 Liberty St./Sun Valley Estate's Homeowner's Association

Staff said the applicant needed more time to get their additional materials together and requested a continuance to the April 7th meeting.

Motion by Mr. Weinberg, second by Mr. Weinberg, to continue to April 7th. Vote: 6-0.

Request for Determination of Applicability – 140 Pond St./Aspinwall Corporation

Documents: RDA application dated (received) March 8, 2011

Staff report dated March 15, 2011

Attorney Ron Kaplan was present on behalf of Aspinwall Corporation. Mr. Kaplan said the property was let go and clippings and debris were dumped in the yard. Also, a large tree fell. They are asking permission to clean-up the debris and reseed the area to grass.

Staff said the application came from an enforcement situation. There is a large pile of debris behind the silt fence which needs to be removed. Because this is enforcement she recommended a deadline (of April 20, 2011) be given for removal.

Mr. Weinberg suggested a fourth condition be added requiring the destination of the debris disposal. Mr. Kaplan said it would just be about a truck's worth of material. Staff suggested it go to the compost site.

Mr. Flynn asked for public comment. Ken Gear from 3 Rose Ave. said he has a direct view of the property and it is a dumping ground for brush and debris. He said more mosquitoes will breed here and said it should be removed. Mr. Kaplan said an elderly resident had lived in the house but passed and it became a dumping ground, they want to clean it up.

Motion by Mr. Murphy, second by Ms. Feldman, to issue a negative Determination (checking box 3) with conditions as drafted. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing. Vote: 6-0.

Request for Determination of Applicability – MBTA Right of Way Vegetation Management/TEC Associates

*Documents: Request for Determination Application dated February 22, 2011
Staff report dated March 10, 2011*

Discussed concurrently with

Request for Determination of Applicability – MBCR Right of Way Vegetation Management/TEC Associates

*Documents: Request for Determination Application dated March 8, 2011
Staff report dated March 14, 2011*

Staff said these applications are similar to the application for the Fore River Right of Way Vegetation Management which the Commission discussed at the previous meeting. The same scale of map was used which did not allow for review of resource areas. The applicant, Kyle Fair from TEC Associates (not present), requested the Commission take the same approach as the Fore River decision and issue the negative Determination contingent upon staff verification of the resource areas.

Mr. Flynn said he thought their herbicide application approach was sound. Ms. Francis said they don't spray on windy days.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue both RDA (MBTA and MBCR) applications to the April 7th meeting to allow staff to verify the resource areas with the rail companies. Vote: 6-0.

Other Business

Vegetation Monitoring at Cranberry Pond Area

Staff said that the ranger, Bill Grafton, had contacted a US Forest Service Forester named Tom Rawinski because of his work evaluating vegetation impacts from deer browse. Mr. Rawinski visited Cranberry Pond twice and made preliminary observations – noting browse line on the Atlantic white cedars, lack of understory oaks and other indicators of heavy browse. Mr. Rawinski proposed setting up test plots to quantify data. There is no cost to the Commission. Mr. Rawinski will work with the ranger and staff to set up a monitoring program and he encouraged volunteer groups such as scouts or environmental clubs to join in once the program is established.

Mr. Murphy said the browse pressure is high and that his friend on Canavan Dr. has had \$30,000 worth of landscaping eaten by deer.

Ms. Feldman said her reading of the article sent by Mr. Rawinski indicated that enclosures were needed to have control plots and wondered how much those would cost. Staff said she hadn't gotten the details on the enclosures yet but that they were a second phase to the study which the Commission could choose to do or they could skip the enclosures.

Ms. Feldman asked staff to find out how many years of study are necessary to have usable data and draw conclusions.

Mr. McMorrow and Mr. Murphy said they supported going ahead with the first phase and that it would be good to have the kind of information generated from the study.

Motion by Mr. McMorrow, second by Mr. Murphy, to take advantage of Mr. Rawinski's service.
Vote: 6-0.

Minutes

Documents: Minutes of 3/3/11 meeting

Motion by Mr. Weinberg, second by Mr. Murphy, to accept the March 3rd minutes. Vote: 6-0.

Adjourn

Motion by Mr. Murphy, second by Mr. McMorrow, to adjourn the meeting at 8:00 PM.