

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, NOVEMBER 1, 2012

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

Kelly Phelan, Staff

Absent: Matthew Hobin

APPROVED

Public Hearings

Notice of Intent

8-616 79 Shepard Rd./Connolly

Stephen Connolly was present. Staff noted that the Connolly's had filed in June and presented their project for construction of an addition (4' x 10' of which is within the floodplain). The hearing was continued for several months while they addressed the requirements of the zoning bylaw to elevate the first floor at least a foot above the floodplain. They had addressed that issue with the Planning Board and finalized their site plan. The plan provides compensatory storage for the fill within the floodplain.

Mr. Weinberg asked when they plan to start. Mr. Connolly said they would like to start as soon as possible.

*Mr. McMorrow arrived at this point.

Motion by Mr. Weinberg, second by Ms. Feldman, to find the project significant to the Wetland Protection Act and issue the conditions as drafted. Vote: ~~A~~-0. Mr. McMorrow abstained.

5

Notice of Intent
8-617 20 Pond St./MSMM LLC

Staff said they applicant had requested a continuance of the public hearing to the December 6 meeting.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue the hearing to December 6th. Vote: ~~6~~-0.

Request for Determination of Applicability
142 Alida Rd./Hellested

Thor and Catherine Hellested were present. Mr. Hellested said they plan to remove a 9' x 16' addition and rebuild a 17' x 22' addition. There are structural problems with the existing addition so they need to demolish it and want to rebuild it larger.

Ms. Feldman noted the staff report comment on removing the fill from the foundation excavation from the property rather than spreading it in an eroding area. Mr. Hellested said the fill would be removed.

Staff recommended issuing a negative Determination with conditions for erosion control and fill removal. Ms. Hellested noted that haybales had already been installed.

Motion by Mr. Murphy, second by Mr. Weinberg, to issue a negative Determination with the five conditions as drafted. Vote: ~~6~~-0.

Other Business

Status of Fill Removal
8-614 1091-1093 Washington St./Clancy

Staff reviewed the status of this project for the Commission. Mr. Clancy brought in a large amount of fill (about 1500 cubic yards) to his property last October. The fill was placed within the floodplain and riverfront area and triggered enforcement. Mr. Clancy filed a Notice of Intent to keep about 1000 cubic yards of the fill partially within the floodplain to create an area for an in-ground pool. The plan included the creation of compensatory flood storage to "make up" for the portion of the fill proposed to remain in the floodplain. Mr. Clancy began grading the yard this summer but did not remove any fill and had come to a standstill.

Because this is an enforcement situation and fill has to be removed from the floodplain, the Commission had included a note in the Order that daily fines may begin if the fill is not removed by October 31st. Mr. Clancy was advised to attend the meeting to discuss the situation and impending fines with the Commission.

Mr. Clancy said the engineer and surveyor had put the stakes in the wrong place and then moved them to a different location. He also said he was working off the narrative in the planning board decision which referenced the grading beginning at elevation 101.5.

Mr. Flynn asked Mr. Clancy what he has done with the fill. Mr. Clancy said he brought it back to level the land for the pool.

Staff said the engineer staked the locations in the field where the top and bottom of slope should be and the fill extends past this by several feet.

Ms. Feldman asked how he will fix the problem. Mr. Clancy said the engineer, Sean Hardy, will redesign the project to keep the area Mr. Clancy wants for the pool and provide more compensatory storage to make up for this.

Mr. Flynn asked why the fill can't be removed now. Mr. Clancy said he needs to know how much and where it should go.

Discussion ensued on the possibility of moving the fill out the floodplain while the plans are revised. If Mr. Clancy can have his engineer revise the plan to demonstrate that he can provide the compensatory storage for the fill that he wants to keep it would be more efficient. Then he could simply remove fill from the compensatory storage area rather than moving fill out of the floodplain and back again if he gets approval to change the plan.

Motion by Mr. Murphy, second by Mr. Weinberg, to give Mr. Clancy until November 15th to either have a revised plan for the compensatory storage or have the fill removed from the floodplain. Vote: 6-0.

Request for Certificate of Compliance 8-259 109 Albee Dr./Gravel

Staff recommended issuing the Certificate of Compliance for 8-259. A partial Certificate for this project had been issued in the 80s but a condition for revegetation was outstanding. Staff verified that revegetation had occurred.

Motion by Ms. Feldman, second by Mr. McMorrow, to issue the Certificate of Compliance for 8-259. Vote: 6-0.

2013 Meeting Schedule – Discussion

Staff asked the Commission for thoughts on going to a once-monthly meeting schedule rather than twice a month. The Commission has twenty-one days to open a public hearing from the date the application is received but the applicant can sign a form agreeing to extend this timeframe. The alternative for an applicant is to appeal to DEP but that is not a quick process and most people would agree to wait a week or two for the Commission to meet. Another option is for the Commission to have reserve dates for a second monthly meeting when there is pressing business. This would also be important for the small homeowner projects to avoid delay.

The Commission agreed that a once-monthly meeting would be sufficient. If there is pressing business the reserve date will be utilized.



Approval of Minutes

Motion by Mr. Murphy, second by Ms. Feldman, to approve the minutes of September 13th. Vote: ~~6~~-0.
Mr. Weinberg abstained.

Adjourn

Motion by Mr. Weinberg, second by Ms. Feldman, to adjourn the meeting at 7:50 pm. Vote: ~~6~~-0.