

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, APRIL 3, 2014

APPROVED

Present: Patrick Flynn, Chair; Gail Feldman, Diane Francis, Gus Murphy, Alan Weinberg & Kelly Phelan, Staff

Absent: Matthew Hobin, Daniel McMorrow

Public Hearings

Notice of Intent

8-626 Staten Road & Dickerman Lane/Braintree Department of Public Works

Phil Paradis, Professional Engineer with BETA Group, was present. BETA was contracted by the Town for the project to help address flooding on the brook adjacent to Bestick Rd. The Town received a grant to replace culverts under Staten Rd. and Dickerman Lane. The project is intended to improve flow.

Mr. Paradis said the Staten Rd. culvert is dry block walls with a concrete cap. There is a grate inlet on the road directly above which discharges right into the culvert. There is another drainage pipe which extends into the culvert and a gas main in a conduit through the top of the culvert. Both of these structures are susceptible to blockage and impede flow. The stream often overtops the channel during flash events. The proposal is to remove the culvert and install a pre-cast 4' x 5' box culvert which will be embedded two feet. They will remove the direct discharge inlet and install deep sump catch basins to allow for sediment removal.

The culvert at Dickerman Lane is an arched corrugated metal pipe. They are replacing it with a 3' x 5' box culvert.

He said they are limited in their ability to comply with the stream crossing standards because of the existing roadway and the constrained stream channel.

Mr. Flynn asked about the comments raised in the staff report. Staff suggested that the Commission hear the responses to the items raised in the report from Mr. Paradis. Mr. Paradis began to go through the items. He brought stamped plans to the meeting. He said the Town Engineer was working on

obtaining the two outstanding property owner signatures. [He explained that the work required access from abutters, six of eight of whom had signed the application.]

Ms. Feldman said she understood the culverts were deteriorated and need to be replaced but asked about the impact on downstream flooding. Mr. Paradis said they investigated the area for an extended period of time. The first part of the project was the detention basin behind Archbishop Williams field. There was also a project to use the wetlands behind Bestick Rd. for flood storage but there were permitting problems with that. He said the brook channel is restricted and there is little ability for the Town to change that. The culverts are one opportunity to improve the situation by removing the blockages. Mr. Paradis said he could not say that the project will prevent flooding. There is a lot of development in the watershed which impacts flooding and storms are becoming more severe and frequent.

Ms. Feldman asked again about downstream effects. Mr. Paradis said the channel goes into an 8' x 8' culvert downstream and there were no restrictions that he had observed.

Mr. Weinberg asked if he had done pre- and post calculations for the culvert project. Mr. Paradis said that they had done HEC RAS modeling for the study three or four years ago but not for this project. He said it would be an added expense to the project. Mr. Weinberg said he would like additional information on this.

Mr. Weinberg noted the email received from Paula Murray at 67 Bestick regarding past flooding and conversations with the Town Engineer. He said they would like assurance that the project will alleviate flooding. Staff noted that the email also referred to the patio project on 53 Faulkner, up next on the agenda.

Mr. Paradis said he was working closely with the Town Engineer on this project. He said he could not ever guarantee that flooding will not occur as there are many variables out of their control.

Ms. Francis asked who would be responsible for the maintenance of the culverts and catch basins. Mr. Paradis said it would be the Braintree DPW as part of the Town's maintenance program.

Staff noted that the control of water protocol provided was not clear and asked Mr. Paradis to clarify that issue. Mr. Paradis said the first task for the contractor would be control of water. They will have to provide plans for bypass and dewatering. The work will be done during the drier months but there may still be flow. He they will likely need a frac tank for settling sediment. Staff asked if the contractor would set this up before the utilities came in to relocate the gas and water lines. Mr. Paradis said they would.

Mr. Weinberg said he would like to see flood calcs up to the 500 year storm. Mr. Paradis said that was not part of the project and would be an added expense. He said the restrictions are the narrow areas, not the culverts.

Ms. Feldman noted that the response letter said the downstream impacts should be minimal and asked what that was based upon. Mr. Paradis said the project will alleviate problems at the culverts but it is the stream itself which is the issue.

Ms. Feldman also said there were unanswered questions with dewatering. Mr. Paradis said they have to leave it up to the contractor to define means and methods as to the best way for them to accomplish that. He said the Commission could designate the Town Engineer to review the dewatering plan or have the contractor come before the Commission. Ms. Feldman felt that, once hired, the contractor should come before the Commission for review of the dewatering plan.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue the hearing to the May 1st meeting to review information on downstream impacts. Vote: 5-0.

**Request for Determination of Applicability
53 Faulkner Place/Goetz**

Michael Goetz was present. He said they would like to build a patio off the back of their house. They propose to replace an area of asphalt and lawn. The contractor will excavate and then lay aggregate and then paver stones.

Staff noted that the work area was existing lawn and asphalt area and that a patio generally would not impact flooding.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue a negative Determination of Applicability with conditions for erosion control and final inspection. Vote: 5-0.

**Request to Amend Order of Conditions
8-596 Sunset Lake/Planning & Community Development**

Marc Bellaud, president of Aquatic Control Technology (ACT), was present on behalf of the applicant.

Staff gave a brief overview of the need for the amendment. As of three of four years ago, a new invasive weed, fanwort, has been spreading throughout the lake and is now up to 17 acres and the options for treating are complicated by the presence of a state-listed mussel, the Eastern Pond Mussel. After reviewing options with ACT for the last several months, the preferable option seems to be whole-lake treatment with Sonar herbicide. This requires an amendment to the Order of Conditions which limits treatment to 15 acres. Staff said the other option is a newly registered herbicide called Clipper but that Natural Heritage and Endangered Species is concerned about mussel toxicity and may not approve its use or require extensive mussel monitoring

Mr. Bellaud said the condition limiting treatment to 15 acres is sufficient for the spot treatment but that the fanwort infestation requires a different treatment. He said Sonar was used in the lake in 1994 to knock out Eurasian watermilfoil. That treatment was very successful and Eurasian watermilfoil has not come back. He said Sonar requires a long concentration time of over 60 days. It works by bleaching out the chlorophyll. It is not effective as a spot treatment because it requires prolonged contact.

Mr. Flynn asked how the fanwort got in the lake. Mr. Bellaud said it was likely carried in a boat trailer.

Mr. Flynn asked if Sonar has negative effects to other aquatic organisms. Mr. Bellaud said it works by breaking down chlorophyll and has no effect on humans or wildlife.

Mr. Flynn asked if the lake will lose desirable vegetation as well. Mr. Bellaud said it will to an extent but they will try to target the fanwort area.

Mr. Flynn asked for public comment. Jan Barris, Franklin St., asked what the concentration level would be. Mr. Bellaud said about 10-20 ppb. He said a higher dose was probably used in 1994 but over time they have learned that lower doses are also effective.

Ms. Barris also asked about a dark slime she saw a lot last summer in the lake and whether fanwort had anything to do with it. Mr. Bellaud said it sounded like an algae bloom which is related to nutrient level and weather. He said fanwort looks like a bright green cotton ball when you look down on it in the water. When you pull it out it looks like a fan.

Polly Walker, Franklin St. said the launch is used by Thayer Academy all summer and asked why the Town is not restricting access and checking that boats are clean.

Mr. Flynn said her point was well taken; maybe the Town should hire monitors to check that boats coming in are free of invasive weeds.

Marjorie Sullivan from Pond St. asked what affect fertilizer use at the high school is having on the lake. Mr. Weinberg said that in the past he spoke to Bill Hedlund, director of the park department about a buffer zone between the fields and the lake. Staff said she was told a few years ago by the DPW that they use a low phosphorus fertilizer on the fields.

Whitney Yench from Royal Lake Drive asked if there was a release of odor from the treatment. Mr. Bellaud said there was not. He said the plants slowly bleach out over a period of weeks.

Ms. Walker asked if there was something that works better. Mr. Bellaud said Clipper works faster but it doesn't kill the whole plant down to the roots like Sonar does. Also Natural Heritage and Endangered Species program was not likely to allow Clipper because of concern with mussel toxicity. He said the Sonar treatment should control fanwort for 2-3 years if not longer.

Mr. Flynn reminded the abutters to the lake that any work within the 100 foot buffer zone to the lake requires review and approval by the Commission. Staff encouraged residents to plant a vegetated buffer between their lawns and the lake to filter pollutants and discourage geese.

Ms. Walker asked why Messina was allowed to put jersey barriers up as a retaining wall to the lake. Mr. Weinberg said he was staff when that was done and it came before the Commission after it was done. He suggested fining and that they be removed but the Commission allowed them to remain.

Motion by Mr. Murphy, second by Mr. Weinberg, to amend the Order of Conditions 8-596 to remove the 15 acre limit on Sonar treatment. Vote: 5-0.

**Request to Amend Order of Conditions
8-597 Pond Meadow/Planning & Community Development**

Rob Wheaton from Lycott Environmental was present with Sean Cleaves, Pond Meadow Ranger.

Mr. Wheaton said they surveyed the lake last year and there is extensive variable watermilfoil growth throughout the pond. Treatment with 2,4 D herbicide is proposed but the Order of Conditions limits treatment to 10 acres a year. Mr. Wheaton said the risk of re-infestation from the untreated 10 acres is high. He proposed splitting the treatment into two 10 acre treatments separated by two weeks. He noted that 2,4-D kills weeds within several days. He said he understood the reason for the condition limiting treatment to 10 acres was that there was concern about dissolved oxygen levels from decaying vegetation. He said the plants die within a few days and decompose within a few weeks. He said two weeks was sufficient to allow the lake to balance out.

Mr. Flynn asked why they were using 2,4,-D instead of Sonar. Mr. Wheaton said the 2,4-D label lists control of variable milfoil.

Motion by Ms. Francis, second by Mr. Murphy, to amend 8-597 to allow treatment of entire 20 acres split by two weeks. Vote: 5-0.

Mr. Murphy left the meeting.

Other Business

80 Oregon Ave. Boundary Markers

Staff noted that 75 Oregon Ave. had installed their boundary markers and she heard from Kelly Engineering that they were contacted by the owner of 80 Oregon Ave. to have them stake the location of the markers.

Monatiquot River Clean-Up –Saturday, April 12

Staff gave the Commission copies of the clean-up fliers. The Commission discussed the importance of the public interest in the river. Mr. Flynn suggested inviting Robert Kearns, the primary organizer of the clean-up, to the May 1st meeting to thank him. Mr. Flynn also suggested members of the Commission attend the clean-up.

Eaton's Pond Area Discussion- Clean-Up Date

Staff said she finally met with someone from the Norfolk County Sheriff's Department to show them the issues at Eaton's Pond. The representative was not sure the Department would be able to do the clean-up due to the volume and the terrain but said he would get back to her.

Staff said if they are not able to do it, the only other option is a private contractor.

Open Space Discussion

As requested at the last meeting, staff provided a map of Town's open space. Mr. Flynn suggested holding off on the discussion until all members are present.

Approval of Minutes – March 6, 2014

Motion by Mr. Weinberg to approve the minutes of March 6, 2014. Second by Ms. Feldman. Vote: 4-0.

Adjourn

Motion by Mr. Weinberg at 8:55pm to adjourn the meeting. Second by Ms. Francis. Vote: 4-0.