

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
Gail Poliner-Feldman
Alan Weinberg

Staff Kelly Phelan

CONSERVATION COMMISSION MEETING MINUTES THURSDAY, JANUARY 15, 2015

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

Absent: Diane Francis

Public Hearings

APPROVED

Request for Determination of Applicability I 93/Route 3/Burgin Parkway/MA DOT- Highway Division

Tom Touchet, wetland scientist from AECOM and Jim Mitchell, engineer from AECOM were present with Amy Bastani from the stormwater program of the MA DOT–Highway Division. Ms. Bastani said the project is part of the statewide efforts to address impaired waterways by providing BMPs to slow down and infiltrate runoff before it reaches those waterways.

Mr. Flynn asked staff to give a summary of the project. Staff noted that the project proposes to replace concrete drainage swales with grass swales to improve water quality. She said there is only minor work in the buffer zone and her only comment regards location of erosion control.

Mr. Touchet said that only two of the eleven BMPs are in conservation jurisdiction . A small area of BMP 11 is in the edge of the buffer. BMP 10 has a temporary gravel access road within the outer buffer. He noted that the swales drain to catch basins and silt socks are proposed.

Mr. Weinberg asked about the Town Brook which goes under the highway off of Common St. Ms. Bastani said the brook is culverted most of the way.

Mr. Weinberg asked if there were limbs over the swales. Mr. Mitchell said there were not.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue a negative determination of applicability with conditions as drafted. Vote: 4-0.

Other Business

Taber Court Land – Discussion with Abutter

John Barrett and Emily Hoard were present to speak on this subject.

Staff gave a brief overview. There is a vacant parcel of about 17,000 square feet on Taber Court which also abuts the Monatiquot River. Because of its location on the river the Commission had it appraised in 2009 and pursued funding from the Community Preservation Committee for acquisition. The Community Preservation Committee did not support the application for funding because there was not potential for connectivity to other open space. Staff said that an abutter to the land, John Barrett, was interested in the possibility of the town reconsidering this acquisition.

Mr. Barrett said has spoken with staff about the possibility of the Town purchasing the parcel of vacant land on Taber Court. He showed photos of the land and the Monatiquot River which abuts it. He read from prepared remarks, summarized below.

Mr. Barrett said he would like to see the vacant lot move in a positive direction instead of a negative direction and noted pollution concerns including pipes along the riverbank. He noted the quality of life issues associated with the land and the value of the river as wildlife habitat. He said it could be decades before there is another opportunity to acquire the land. He said it is a textbook example of urban planning to make the river the center of development around the area. He said that current and future residents will benefit economically and environmentally if the area is restored and moves in a positive direction.

He noted that the land is zoned for commercial use and that a storage or contractor's yard could move in there. Landscaping and snowplowing companies have used the site in the past and this affects property values and the environmental quality of the area. He would like to see a positive scenario and see the environment preserved for the neighborhood and community to appreciate. He said the river is an environmental asset.

Mr. Flynn said the Commission is aware of the parcel but questioned what else could be connected to it.

Ms. Feldman said it sounds like a zoning problem; that the land should be zoned to something other than a commercial zone.

Mr. Barrett suggested that the parcel could be divided into thirds and a third used as a riverfront park and the other two thirds sold to himself and another abutter.

Ms. Feldman said there was not proper access or parking and that is a problem with all of their parks. Ms. Hoard mentioned that there was a historical right of way to the property for access to the herring run.

Ms. Hoard asked about the rezoning that is being done on the Allen St. corridor and whether it could be done in this location.

Mr. Flynn said the Commission is not involved in zoning, only in wetland protection and management of the town's conservation land.

Staff asked the Commission if they were interested in bringing this back to the Community Preservation Committee to see if they may be interested now. Mr. Barrett said that as a partnership between the Town and the abutters is may be more successful.

Mr. Flynn asked Mr. Barrett to leave his written comments for the Commission to consider.

Approval of Conservation Restrictions – Franklin St. & Pond St.

Staff said that the Town acquired land in 2007 with Community Preservation funds. Part of the Community Preservation statute is that land acquired with these funds must be protected by a perpetual restriction, in this case a conservation restriction.

The Community Preservation Committee (CPC) had been considering the options for a suitable third-party organization to hold the restrictions but the matter was tabled for several years and only recently revisited. The CPC has been working with the Wildlands Trust of Southeastern Massachusetts and they have agreed to hold the conservation restriction. The Town Council recently voted to approve the restriction and the Commission must consent.

Staff recommended the Commission vote to approve the Conservation Restrictions for these parcels as approved by the Town Council.

Motion by Mr. Weinberg, second by Mr. Murphy, to approve the conservation restrictions for the Pond St. parcel and the Franklin St. parcels purchased with Community Preservation funds. Vote: 4-0.

Update on Deer Management in Other Towns

Per the Chair's request at the December meeting, staff looked at how other nearby towns are addressing deer management issues. The results were summarized in a January 12 memo to the Commission and range from no action/discussion to allowing hunting on conservation land.

Mr. Flynn said that deer overpopulation is a town-wide problem. He suggested that a discussion on hunting should originate with the Mayor's office and involve all other applicable town departments. He requested that staff draft a letter to the Mayor to suggest he call the applicable departments together to discuss.

Update on Kayak Launch

Staff provided the Commission with an update on the kayak launch project. After kayaking the river with the ranger and encountering extreme difficulty with current, staff withdrew the application for funding to the Community Preservation Committee. Staff noted that a kayak launch is intended to be built as part of the Allen St. (former BELD site) redevelopment. A launch at that location will allow people to go upstream as far as they feel comfortable and then turn around for the downstream ride.

Eaton's Pond Assessment

Staff said the Department completed a significant aquatic weed treatment program at Sunset Lake in 2014 and they are planning to focus more on Eaton's Pond in 2015. There were several comments about concern for water quality raised at the February 2014 neighborhood meeting and it has been several years since the pond was monitored or treated for aquatic weeds. The Pond was monitored for water quality from 1995-2007 and treatment occurred occasionally during that period.

Mr. Flynn suggested that a limnology class at Curry College may be interested in doing the water quality monitoring. Staff said that may be an option but will also get quotes on the full spectrum of water quality parameters.

Commission Training Needs or Interests

Staff recently attended a forum at the Massachusetts Association of Conservation Commissions (MACC). The MACC board discussed the possibility of doing more targeted and regional workshops and asked for feedback on the Commission's education and training needs.

Mr. Weinberg suggested the legal aspects of land acquisition as a topic. Ms. Feldman said the fundamental training units she attended were beneficial and that a more detailed one on stormwater would be useful. Staff will pass these suggestions on to MACC.

Financial Update- Transfer Funds

Staff noted that the account the Commission spends from (including paying the ranger) is getting low and recommended transferring funds from the Massachusetts Municipal Depository Trust account. She recommended transferring \$10,000.

Motion by Mr. Weinberg, second by Mr. Murphy, to transfer funds from the Massachusetts Municipal Depository Trust account to the Commission's account. Vote: 4-0.

Approval of Minutes – December 4, 2014

Motion by Mr. Murphy, second by Mr. Flynn, to approve the minutes of the December 4th meeting. Vote: 4-0.

Adjourn

Motion by Mr. Murphy, second by Mr. Weinberg, to adjourn the meeting at 8:40 pm. Vote: 4-0.