

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, JULY 11, 2013

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

Public Hearings

Notice of Intent 8-619 175 Campanelli Dr./Prologis

APPROVED

Hilde Karpawich of Kelly Engineering Group was present. Staff prepared draft conditions for the Commission's consideration.

Ms. Feldman said she was interested in condition #32 regarding perpetual maintenance of the stormwater Best Management Practices and how that would be ensured, particularly regarding the CDS separator. Ms. Karpawich said they included the CDS maintenance and inspection in the Operation and Maintenance Plan which is on file with Commission and referenced in the conditions. Mr. Weinberg said in the event of sale of the property, the Order of Conditions runs with the title to the land. If a Certificate of Compliance is issued it will include this as a surviving condition.

Staff noted that ensuring compliance with the Operation and Maintenance Plan will require the Commission to periodically request the maintenance records. Staff has been going back in the files to do this on other projects. Ms. Feldman clarified that fines could be issued if the maintenance is being performed. Staff said that fines could be issued.

Mr. Flynn asked about the vertical granite curb and potential for trucks to knock down the fence, which is why he requested something higher. Ms. Karpawich noted that the previous proposal to use jersey barriers along the edge created an issue with filling in the floodplain. Mr. Weinberg noted that town inspectional departments would have to keep an eye on it.

Staff noted condition #20 which provides for the release of the outstanding Order (8-184) upon proof of recording of 8-619. Once Order 8-619 is recorded, the title will be encumbered and the outstanding Order 8-184 could be released.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue the Certificate of Compliance for 8-184. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue the Order of Conditions as drafted for 8-619.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing for 8-619. Vote: 5-0.

Notice of Intent 8-619
77 Common St./Muscente

Ben Muscente was present. Staff prepared draft conditions for the Commission's consideration.

Staff said she structured the conditions to follow the sequence of hand planting the shrubs, then installing the erosion control, then the loam and lawn. Mr. Muscente said he would not be bringing in loam and asked if he could skip the erosion control since it would just be seeding and digging for fence posts. The Commission agreed.

Mr. Muscente also asked if the as-built guarantee could be waived. Staff it is included to ensure that people have an incentive to close-out their projects. They may not care about getting a Certificate of Compliance unless and until they try to sell the property and it becomes an obstacle. This cash guarantee helps to ensure this doesn't happen. Mr. Muscente asked if it could be reduced.

Mr. Weinberg supported reducing the as-built guarantee to \$250 and proposed eliminating the draft erosion control conditions # 24 and #25 and re-numbering accordingly. Commission members indicated agreement.

Motion by Mr. Weinberg, second by Ms. Feldman, to issue the Order of Conditions as amended for 8-620. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing for 8-620. Vote:5-0 .

Request for Determination of Applicability
38 Hoover Ave./Dauti

Poema and Elton Dauti were present. Staff gave an overview of the proposal which is to construct an addition to an existing house in existing lawn area. Staff noted that there was floodplain but it is lower down on the lot and the house and addition are not located in the floodplain. The addition is about 80 feet from the bordering vegetated wetland. Provided erosion control is installed, there is little potential impact.

Motion by Mr. Murphy, second by Mr. Weinberg, to issue a negative Determination of Applicability with conditions (erosion control) for 38 Hoover Ave. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Murphy to close the public hearing for 38 Hoover Ave. Vote: 5-0.

**Request for Determination of Applicability
125 Lundquist Dr./Messina Commercial Properties, LLC**

Rob St. John from F.X. Messina was present.

Mr. Flynn asked staff for an overview. Staff explained that the project was a pavement repair/replacement project. This type of work is typically considered maintenance but because it is in the floodplain and parts of it include a full depth rebuild, the applicant filed a Request for Determination. Staff also noted that the applicant had agreed to create a 20 foot buffer strip along the edge of the property to increase the buffer to the Farm River.

Mr. St. John said that the property has been leased to Verizon for the last 25 years and they will continue to lease it. The project consists of overlay area in which asphalt will be removed to a depth of 1.5 inches and replaced. Another area will be a full depth rebuild and material will be removed to a depth of 3.5 inches and then reconstructed.

The property is surrounded by a 10 foot chain link fence with razor wire. They will relocate this fence to the outside of the new buffer strip but would like to leave the existing light poles where they are. They will install gates in the fence so that the light poles can be accessed for maintenance.

Mr. Flynn asked where the runoff from the property goes. Mr. St. John said they did not map it. Mr. Murphy said it went out the street toward the closed bridge over the river.

Ms. Feldman asked if the Commission could require them to put in stormwater management. Staff said that if there was an addition or some type of redevelopment happening they would require it but in this case, which borders on maintenance, it was beyond the scope. Staff noted the 20 foot buffer strip to the river was a significant improvement.

Ms. Feldman asked if there were engineered plans. Mr. St. John said there were not. He said they are taking an elevation survey on a 50 foot grid to ensure they don't raise the elevation within the floodplain.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue a negative Determination of Applicability with conditions as drafted for 125 Lundquist Dr. Vote: 4-1 with Ms. Feldman opposed.

Motion by Mr. Murphy, second by Mr. Weinberg, to close the public hearing for 125 Lundquist. Vote: 5-0.

Discussion on Wetland and Drainage 935 Liberty St./Lynch

Mark and Agnes Lynch from 935 Liberty St. were present and Rob St. John from Messina Enterprises was present.

Staff provided background for the Commission. Mr. Lynch had been before the Commission in the period 2005 to 2007 seeking resolution for high water levels in the wetland adjacent to his house at 935 Liberty St. Staff said the Commission spent about a year and half trying to find a resolution, including meetings, site visits and research. Additionally, staff contacted Norfolk County Mosquito Control to see if they might create an outlet to the wetland. Mosquito control said they could not create an outlet where none had existed. Also the Town Engineer recommended against creating an outlet which would direct water onto someone else's property. The Commission ultimately concluded there was no resolution they could offer Mr. Lynch.

Mr. Murphy said he was on the Commission during this period and that there was no evidence that it was anyone's fault except the lay of land.

Mr. Lynch said that he tried to address the high water level in the wetland in 2007. He said Sun Valley was built wrong which they recently rectified but the Commission made them jump through hoops with silt socks and berms. He said he is getting drainage from Liberty St., Sun Valley and Messina's subdivision. He said there used to be only a half foot of water in the wetland. Now there is 3-4 feet of water. He said there is silt in his yard from Messina's grading.

Mr. Murphy asked Mr. Lynch if he thought Messina's project was responsible for the problem. Mr. Lynch said all the properties drained to it, Messina's project was just part of the problem.

Staff said that construction on Messina's subdivision lots behind Mr. Lynch had resumed and there has been grading done which appears to be contributing a small amount of runoff toward the wetland. Staff suggested the Commission require Messina Enterprises to create a swale on their subdivision to redirect this runoff away from 935 Liberty St. and keep it on their property.

Mr. St. John said that the majority of runoff from the Liberty Farms subdivision drains away from Sun Valley. He offered to walk the property with Mr. Lynch and staff to evaluate.

The Commission indicated approval of that suggestion.

Motion by Mr. Murphy, second by Mr. Weinberg, to continue the discussion to the August 1 meeting.
Vote: 5-0.

Pond Meadow Aquatic Weed Treatment –Herbicide Change

Staff said there was a discrepancy between the Order of Conditions for Pond Meadow weed treatment and the herbicide requested in the request for quotes. The Order specified Navigate which is a 2,4-D product. The request for quotes specified Platoon (another 2, 4-D product). Since this is only a change

in brand name, staff recommended the Commission consider it a minor amendment to the Order to be reflected in the minutes.

Motion by Mr. Murphy, second by Ms. Feldman, to adopt staff's recommendation to allow a 2, 4-D herbicide regardless of brand name. Vote: 5-0.

Approval of Minutes

May 9, 2013 Minutes

Motion by Ms. Francis, second by Mr. Murphy, to accept the minutes of May 9, 2012. Vote: 4-0. (Mr. Weinberg abstained as he was not present at the May 9th meeting.)

June 6, 2013 Minutes

Motion by Ms. Francis, second by Mr. Murphy, to accept the minutes of June 6, 2013. Vote: 5-0.

June 6, 2013 Executive Session Minutes

Motion by Mr. Weinberg, second by Ms. Francis to accept the June 6 Executive Session minutes. Vote: 5-0.

Staff noted that the appeal has been decided by DEP.

Motion by Mr. Weinberg, second by Ms. Francis, to release the June 6 Executive Session minutes. Vote: 5-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Murphy, to adjourn the meeting at 8:20pm. Vote: 5-0.