

APPROVED

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, JUNE 3, 2010**

Members Present: Patrick Flynn, Chair
Gail Poliner Feldman
Diane Francis
Dan McMorrow
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

8-602 Notice of Intent Almquist Estates/Elmlawn LLC

Christine Meany from Site Design Professionals was present with the project developer, Al Endrunias. Ms. Meany presented the proposal for an eight lot subdivision. The parcel is 3.6 acres and is located at the end of Elmlawn Rd. (the site of Almquist Flowerland on the Braintree Quincy line). She said the wetland is a drainage ditch which was dug approximately 25 to 30 years ago and that wetland plants have grown within it. The drainage ditch/wetland outlets to a 15 inch pipe which is part of the town's stormdrain system. The proposal includes collecting runoff from the subdivision roadway into a water quality inlet and recharge system. Also the houses will have roof recharge units. The flows to the drainage ditch will be balanced in the pre and post development conditions.

Ms. Feldman asked if the wetland is wet all the time. Ms. Meany said that it is wet during springtime high water and dry during the summer and that it drains to that 15 inch pipe. Mr. Endrunias said that the ditch is dry right now and that they would like to do some maintenance work on it, specifically light cleaning by machine and trimming of brush.

Mr. Weinberg asked about the setback from the wetland. Ms. Meany said they are maintaining the 25 foot buffer. Ms. Francis noted that was right at the back of the proposed house on Lot 6.

Mr. Weinberg said it would be unfortunate for that resident not to have a back yard and asked if they had considered moving the house closer to the street. He also said the homeowner could be flooded and that the Commission had voted on a 50 foot buffer. Staff said that the Town Council has not yet approved the revised Wetland Bylaw, in which the 50 foot no-disturb buffer is established.

Ms. Meany said that they analyzed the 100 year storm event and water would stay within the banks of the ditch and that the design includes a significant amount of recharge; the 10 year storm is completely recharged.

Mr. Flynn asked about maintenance of the stormwater system. Mr. Endrunias said it would be maintained by the town once the road is accepted.

Mr. Weinberg asked if they had done a perc test and it is important to know if there is ledge on site. Mr. Endrunias said they had done a perc test in the location of the proposed recharge system.

Dan Bertoldi from Hoover Ave. in Quincy said he was a water issue and wondered if the project would place an extra burden on him. Mr. Endrunias said the project site is downgradient (5-8 feet lower) and that the water flows away from Hoover Ave.

Bill Rogers said he is behind the wetland and needs 3 sump pumps to keep his basement dry. He is concerned the project will make this worse. Mr. Flynn asked how the ditch has changed since he has been there. Mr. Rogers said he hasn't seen changes in the ditch and that he heard from his neighbor that a similar project was planned 10 or 11 years ago but denied for these reasons.

Mr. Weinberg asked if they had looked at the surrounding neighborhood when analyzing drainage. Ms. Meany said that they only analyzed their site and are balancing pre and post development flows to the ditch.

Mr. McMorrow asked if there are other wetlands in the area. Ms. Meany said there are not. Mr. McMorrow said the project could be positive for the area if flows through the ditch are improved.

Keith Drake from Home St. said his house is in back of this project and that his neighbors pump when there is rain. He said he would like to see an improvement to the ditch.

Mr. Rogers said he thought that there was a spring on the Almquist property. Mr. Bertoldi said that a pipe from the water tower crossed the property.

Gary Smith from Robert St. said he used to live on Hillsdale St. and the ditch was maintained and would be dry by summer.

Mr. Flynn said the Commission members would do a site visit. Mr. Weinberg invited the abutters and said they would be called with date and time.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the public hearing to June 17th. Vote: 5-0.

8-578 Request to Amend Order of Conditions – Oregon Ave./McGrath & lot owners

David Mackwell from Kelly Engineering Group was present with the project developer, Jamie McGrath. Mr. Mackwell said they filed the Request to Amend the Order of Conditions in order to mitigate for work done in the floodplain and to establish a path to closing out the file. They have provided a plan which shows the approved work under the Order of Conditions and what was done differently. Mr. Mackwell said there are 18 cubic yards of fill in the floodplain and he provided a copy of a section of the flood maps showing the general area of this project. On the copy he outlined the area under the elevation of 105 feet. He said the impact of the 18 cubic yards could be considered insignificant given the size of the floodplain. With a surface area of ¼ square mile the 18 cubic yards of fill would only raise the flood elevation by .0009 inches. He said the Wetlands Protection Act performance standards allow the Commission to make that determination.

Mr. Mackwell said that they proposed to compensate for the fill on Lot 4 by mitigating on Lot 6. Based on the Commission's site visit however, it seems that the Commission does not support clearing vegetation and trees to do this. He said they could leave the large trees and excavate around them. The other alternative is to remove the fill on Lot 4. He said it would be hard to get equipment down there and if done by hand would require 81 wheelbarrow trips.

Mr. Weinberg said he would not suggest they remove a grass area but that compensation can not be done in a wetland and said they need to reflag the wetlands.

Mr. Flynn said that wrong and illegal actions occurred here but wondered if fixing this would cause more harm and suggested the possibility of requiring compensation elsewhere in town.

Ms. Feldman said it would be wrong to disturb the area on Lot 6 and that is not a compensation she can support.

Mr. Weinberg suggested that the compensation area be reflagged and if not a wetland it can be used to create a flood storage area and enhance wetland function.

Mr. McMorrow said reflagging the wetland when the lots have already been sold based on an existing wetland line could be onerous to the homeowners.

Ms. Francis said she was concerned about fertilizer on the grass. Mr. Weinberg said that the Commission can put in conditions that the homeowners can't use fertilizer. Staff said that would be very difficult to enforce.

Staff recommended that the floodplain compensation be done on Lot 4, where the filling occurred. Because the area is already grass there won't be additional disturbance of naturally vegetated areas.

Mr. Mackwell said the applicant will do what it takes to make the situation right. He said they will put in permanent markers for a no disturb line, lower soil and let revegetate.

Mr. Weinberg said the owner of Lot 4 needs to be present. Mr. Mackwell said that the owner of Lot 4 had signed the application, as did all the lot owners.

Dawn Hamel, 32 Oregon Ave, thanked the Commission for visiting the site and said she was in favor the compensation being done on Lot 4 instead of Lot 6.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the public hearing to June 17 and request the owner of Lot 4 attend. Vote: 5-0.

8- 601 Notice of Intent 2 Garden Park/McGourty

Mr. McGourty was not present. Staff said she spoke to Mr. McGourty by phone after he missed the last hearing on May 20 and told him he needed to be at the June 3rd continued hearing. Mr. Flynn said the violations at his property are egregious. Mr. McMorrow said the Commission has tried to work with him and be flexible but at this point he seems to be ignoring the issue.

Motion by Mr. Weinberg, second by Mr. McMorrow, to fine Mr. McGourty \$300 and double that if he is not present at the next meeting with a reasonable plan. Vote 5-0.

Motion by Mr. Weinberg, second by Mr. McMorrow to continue the public hearing to June 17, 2010.

Other Business

Request for Partial Certificate of Compliance 8-580 150 Potter Road/BELD

Braintree Electric Light Department requested a partial Certificate of Compliance for the Watson power plant construction and replacement of a bulkhead wall. Remaining work under the Order includes landscaping along the public access walkway, which will be planted this season. They are requesting the partial in order to satisfy the power plant contractor. Staff said she had received the As Built plans, reviewed the Order to determine that conditions are satisfied and made a final site visit. Staff recommended issuing the partial Order for the power plant construction and bulkhead wall replacement.

Motion by Ms. Francis, second by Mr. Weinberg, to issue the partial Certificate of Compliance for 8-580. Vote: 5-0.

Letter from William Daly

Staff addressed the letter sent to Mayor Sullivan and Commission members by William Daly in which he stated that staff was not responsive to his complaints about 25 Adams St. Staff said that an unidentified caller had left her voicemails about truck and equipment storage along the river at 25 Adams St. She looked into the matter and determined that it was a pre-existing condition since at least the 1990s (plans filed with the Commission in the early 1990s show pavement up to the edge of the river) and well outside of the statute of limitations on enforcement action. However, she could not reach this caller to tell him this because he never left his number. Additionally, the number he provided on the letter is a wrong number and he has not provided an address. Also, she checked the

white pages and called the one William Daly listed in the phone book and it is not the person who made the complaints about 25 Adams St. At this point Mr. Daly is unreachable.

Letter about Pool Draining

Staff drafted a letter about the problems with draining pool water to wetlands in response to complaints she has received. The Commission suggested it also be sent to the paper as a press release.

Land on Oakden

After members of the Commission visited the land for sale on the corner of Oakden Ave. and Liberty St. staff checked the realtor's website. There are three lots listed for sale: 1.15 acres for \$224,900; 1.03 acres for \$299,800; and 1.02 acres for \$324,900. Staff suggested running this by the Community Preservation Committee to see if there is any interest on their part.

Minutes of May 20, 2010

Mr. Weinberg said he would like the minutes to be amended to reflect his comment that the Zechello family consider joining the Y rather than building a swimming pool at 79 Canavan Drive.

Motion by Mr. Weinberg, second by Mr. McMorrow, to accept the minutes as amended. Vote: 5-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. McMorrow, to adjourn the meeting at 8:30 PM. Vote: 5-0.