

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission

Patrick Flynn, Chair
Donald Murphy, Vice-Chair
Kevin Bears
Heather Charles Lis
Diane Francis
Gail Poliner-Feldman
Alan Weinberg

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, MARCH 3, 2016 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Patrick Flynn, Chair; Kevin Bears, Heather Charles Lis, Gail Feldman Diane Francis Alan Weinberg & Kelly Phelan, Staff

Absent: Donald (Gus) Murphy, Vice Chair

Public Hearings

Notice of Intent

8-636 1091 Liberty St./Mento Homes

Sean Hardy, engineer, was present with the applicant, John Mento of Mento Homes.

Staff noted that the draft conditions had been prepared and gave a brief overview of the conditions.

Mr. Hardy said he had concerns about two conditions. Condition #39 limits stumping and grubbing until the wall materials are on the site. Mr. Hardy said there is limited space to store the wall materials and asked that the condition be changed to require only the "materials for the first 2 courses of block" to be on site before stumping and grubbing. Ms. Charles Lis suggested adding a sentence to clarify that if there is a delay of more than two weeks the site be stabilized.

Mr. Hardy also asked that condition #44 be modified. Their intent is to build up the wall to the elevation of the footings for the house. Staff agreed that the condition should be changed to reflect that. Mr. Weinberg suggested adding language to require stockpiles of fill to be covered to prevent dust.

Mr. Flynn asked if there was public comment.

Santina Giannino from Trainor Dr. clarified that the bond for tree planting was \$5000 not \$3000. Staff said it was \$5000.

APPROVED

Councilor Michael Owens said the conditions don't address everything. He said condition #47 requires the homeowner to be responsible for maintenance of the retaining wall. He asked how that would be ensured. Mr. Weinberg said if the abutters noticed a problem with the wall they should let the homeowner know. If the homeowners failed to act the Town could take enforcement action.

Councilor Owens asked about condition #38 – no increase in runoff and how that would be determined. Staff said it was based on the drainage calculations. They require certification at the end of the project that the project was built in accordance with the design.

Councilor Owens said they had asked for trees to be planted on top of the area created by the retaining wall to screen the house. Mr. Hardy said the structural engineer would not sign off on trees in that location because they could interfere with the geogrid support for the retaining wall.

Mr. Owens said there is a condition for bonding for the trees to be planted and suggested bonding for erosion be done. Mr. Hardy said condition #47 covers enforcement. Mr. Weinberg said the Commission has the ability to fine if issues are not addressed in a timely manner.

Eason Chau from Liberty St. asked if there was a condition to tell the homeowners they can't plant a tree in the backyard? Staff suggested it be added to the O&M plan which will be attached to the decision.

Ms. Giannino said the homeowners have to adhere to the conditions but Mento walks away. She questioned that it is the neighbors' responsibility to keep an eye on the wall. Mr. Weinberg said every builder has a right to build as long as they get the necessary permits.

Ms. Giannino said they depend on the Commission's common sense. This is not a standard project and there should be a bond on the developer for \$500,000. Mr. Flynn said there is a rigorous draft order of conditions and the Commission has done due diligence with the peer review.

Mr. Owens said the right board doesn't exist. There is a loophole in the zoning which allows the height of the platform and the structure to be considered separately. He said he is dissatisfied that this has the right to be built. He said the neighbors are not illogical or irrational, even if it doesn't cause increased flooding it will be an eyesore in a beautiful neighborhood.

Ms. Feldman said the Commission has given the project as sure a thing as they can. They had it verified by another engineer. She told Ms. Giannino her efforts were remarkable. Ms. Giannino said if the Commission had gone by its bylaws it wouldn't have been approved. She said the Commission never questioned why it was only 35 feet from the wetland.

Matt McIntyre asked for clarification of the bonds for the tree planting and as-built process. Staff said there are cash bonds and they are returned at the end of the project provided the 75% survival rate is achieved for the trees and the as-built plan is received.

Motion by Mr. Weinberg, second by Ms. Charles Lis, to issue the Order of Conditions as amended.
Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Bears, to find the project significant to the Wetland Protection Act and its interests and the Braintree Wetland Bylaw and its interests. Vote: 6-0.

Motion by Mr. Weinberg, second by Ms. Charles Lis, to close the public hearing for 8-636 1091 Liberty St. Vote: 6-0.

Notice of Intent

8-637 39 Hayward St./McGourty Realty Series, LLC

Staff said the applicant requested that the hearing be continued to the April meeting. Mr. Bears asked if there had been any resolution on the question of the stormceptor raised during the site visit in December. Staff said there had not. Mr. Weinberg said if they are not at the next meeting the Commission has the right to deny for lack of information

Motion by Mr. Bears, second by Ms. Francis, to continue the hearing to April 7 and send a letter to the applicant to inform him the Commission may vote to deny if there is not progress on the outstanding issues. Vote: 6-0.

Other Business

Open Space Plan Update

The draft activity schedule was discussed. Brad Chase from Division of Marine Fisheries is going to attend the May 7 town-wide beautification day and give a short talk at Town Hall in the morning and be on hand at the Monatiquot River site behind Shaw's.

Mr. Bears suggested doing a Smelt Brook walk on April 23rd and asking Nelson if he would host a barbeque. Bob Aicardi from the Braintree Forum should be contacted and East Braintree Civic added as a sponsor for the May 7 beautification.

Other

Staff noted there is a house on a lot with good access the Monatiquot River for sale. The Commission discussed the possibility of pursuing Community Preservation funds to acquire it but there are significant details to work out.

As part of the open space plan update, a long-term strategy for increasing access to the river is needed.

Approval of Minutes – February 4, 2016

Mr. Bears noted that he had agreed on the number of trees to be removed from the 1091 Liberty St. site and wanted the minutes to reflect that. Staff will make the edit.

Motion by Mr. Weinberg, second by Ms. Charles Lis, to approve the February 4 minutes as amended. Vote: 6-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Bears, to adjourn the meeting at 8:22 pm. Vote: 6-0.