

Department of Planning and Community Development

90 Pond Street
Braintree, MA 02184
781 794-8230



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, MARCH 6, 2014

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

Absent: Matthew Hobin, Daniel McMorrow, Gus Murphy

Public Hearings

Request for Determination of Applicability (1515) Washington St. Athletic Fields/Thayer Academy

The hearing was continued from the February 6th meeting to allow the applicant to address the issue of the outstanding easement (discussed at the February 6th meeting). Staff noted that the easement been provided and the Town Solicitor approved it. Staff recommended issuing the negative Determination of Applicability with conditions.

Motion by Mr. Weinberg to eliminate condition #2 as it had already been completed (providing the easement) and replace it with a condition to read, "Upon completion of the project, the applicant will contact staff for a final inspection." Second by Ms. Feldman. Vote: 4-0.

Motion by Mr. Weinberg to close the public hearing for the Request for Determination of Applicability. Second by Ms. Francis. Vote: 4-0.

Notice of Intent

8-625 Commercial St./Fore River Railroad Corporation (MWRA)

Matthew Horan and Sean Cordy from the MWRA were present with David Gonsalves from STV, Inc. and Jim Manganello from LEC, Environmental Consultants, Inc.

Staff said that DEP had commented that the applicant needed to address the wetland replication standards and the stream crossing standards. Their environmental consultant, LEC Environmental Consultants, Inc. provided a response letter addressing the standards. Staff felt they fully complied

APPROVED

with the replication standards. The stream crossing standards were not met on the basis that the area in question was not a stream but a drainage channel.

Ms. Feldman expressed concern about the replacement of the bridge with the culvert. Mr. Horan said he had spoken with the DEP analyst about the comments and he had not known it was just a drainage channel and that the bridge had been built to allow cattle to pass between two pieces of land on either side of the railroad.

Mr. Weinberg asked the applicant if they had seen the conditions. Mr. Horan said they had and their only concerns were with the condition that required the cash deposit for as-built guarantee and wetland replication guarantee and asked if they could be waived. He noted that the MWRA is a state agency and not subject to the local bylaw.

Ms. Feldman said the state should have the same requirements as everyone else. Mr. Weinberg said the state was exempt from local bylaws. Ms. Feldman asked what recourse the Commission would have if the wetland replication failed. Mr. Gonsalves said that monitoring and oversight was built into the contract for the project. He also noted the condition requiring 75% survival.

Motion by Mr. Weinberg to eliminate conditions #32 and #36 which required the wetland replication guarantee and the as-built guarantee respectively. Second by Ms. Francis. Vote: 4-0.

Motion by Mr. Weinberg to find the project significant to the state Wetland Protection Act and to issue the Order of Conditions as amended above. Second by Ms. Feldman. Vote: 4-0.

Motion by Mr. Weinberg to close the public hearing for 8-625. Second by Ms. Feldman. Vote: 4-0.

Notice of Intent

8-624 Adams St./Fore River Railroad Corporation (MWRA)

Matthew Horan and Sean Cordy from the MWRA were present with David Gonsalves from STV, Inc. and Jim Manganello from LEC, Environmental Consultants, Inc.

Staff noted that this project, as opposed to the Commercial St. project, did not include wetland replication. The rest of the conditions were similar to the Commercial St. project.

The Commission discussed that the condition for the cash guarantee for the as-built would be eliminated since the MWRA is exempt from the Wetlands Protection Act.

Ms. Feldman asked who would review the work. Mr. Gonsalves said STV would have a representative on site during construction. He also noted that the Town Engineer had reviewed the plans for the utility work and he had approved the plans. Also the Department of Public Utilities has to sign off on the signals for the grade crossing

Motion by Mr. Weinberg to eliminate condition #32. Second by Ms. Feldman. Vote: 4-0.

Motion by Mr. Weinberg to find the project significant to the Wetlands Protection Act and issue the Order of Conditions. Second Ms. Feldman. Vote: 4-0.

Motion by Mr. Weinberg to close the public hearing for 8-624. Second by Ms. Francis. Vote: 4-0.

**Request to Amend Order of Conditions
8-529 29-39 Hayward St./29-39 Hayward LLP**

Jen Hart was present on behalf of McGourty Company. Staff noted that this was discussed at the February 6 meeting and the Commission voted to continue the matter to this meeting to allow for abutter notification. As discussed at the February 6th meeting, the proposal is to increase the footprint of the last three buildings of the project. This change would decrease the setback from the wetland to 29 feet from 40 feet. Staff noted that overall, the change was still an improvement of the prior condition of the property when it was entirely impervious and there was a decrepit building right up to the wetland edge. Staff also noted that the landscaping plan which was previously approved was still in effect and landscaping still required in accordance with that plan.

Mr. Flynn asked if there was public comment. An abutter, Krish Patel, said he was just interested in the project and looked at the site plan.

Motion by Mr. Weinberg to approve the modified plan "Existing and Proposed Utility Plan Hayward Street Condominiums Revised 1/22/2014" for 8-529. Second by Ms. Feldman. Vote: 4-0.

Motion by Mr. Weinberg to close the public hearing for 8-529. Second by Ms. Francis. Vote: 4-0.

Other Business

Pond Meadow Weed Treatment

In a letter dated February 27, 2014, the aquatic weed contractor for Pond Meadow Park, Lycott Environmental, requested the Commission amend a condition regarding the amount of acreage which can be treated in one year.

Condition #20 of the Order limits herbicide treatment to 10 acres a year. Lycott recommends treating 20 acres a year and splitting the treatment into two 10 acre treatments separated by two weeks. Staff said the condition limiting treatment to 10 acres a year was based upon recommendation by the aquatic weed consultant who helped with the Notice of Intent process. It is intended to prevent low levels of dissolved oxygen which could be caused by all of the biomass decaying at once.

The Commission discussed the request and felt they needed more information to determine whether two weeks is an acceptable time frame to prevent low dissolved oxygen or other impacts to the lake. Staff will let Lycott know that the Commission needs more information.

Eaton's Pond Area Discussion

The Commission discussed the public meeting held on February 11th with abutters of Eaton's Pond.

Mr. Flynn felt there was little interest in recreational use of the area.

Ms. Feldman said many people mentioned that they wanted open space for wildlife and that they were concerned about the water quality of the pond.

Mr. Flynn suggested the Commission focus on clean-up and assessing the pond.

Staff provided water quality test results of the Pond from 2005 which indicate no major issues and are consistent with a shallow, urban pond. Staff suggested additional testing this season.

Discussion ensued on how to clean-up the major dump site. Staff requested assistance from the Sheriff's Department but has not received a definite commitment. She will follow up.

Mr. Flynn suggested a general clean-up of areas around the pond with interested residents. Staff will coordinate this and have water quality testing of the pond done this season.

Open Space Discussion

Staff noted that the White's Hill subdivision is currently being reviewed by the Planning Board. The applicant has indicated that they would like to donate a portion of the land to the Town. Staff suggested that the Commission determine interest in this land and also see if it could be linked to the other open space. The Commission discussed concerns with acquiring an isolated piece of land and the maintenance obligations of accepting land. Mr. Weinberg suggested a deed restriction as another option to keep land undeveloped but keep it on the tax rolls and keep maintenance obligations off of the Town.

Staff will walk the land to assess it and report back to the Commission.

Mr. Flynn requested a large scale map of the Town's open space and a report from the ranger.

Approval of Minutes - February 9, 2013

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

Adjourn

Motion by Mr. Weinberg at 8:45pm to adjourn the meeting. Second by Ms. Francis. Vote: 4-0.