

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, MAY 6, 2010

Members Present: Patrick Flynn, Chair
Gail Feldman
Diane Francis
Matt Hobin
Dan McMorrow
Gus Murphy
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

Notice of Intent

8-600 75 Granite Street/Herb Chambers

Attorney Marinelli sent a letter to the Commission to update them on his efforts to obtain approval from Mass Highway for the project and requested a continuance to July 15, 2010.

Motion by Mr. Weinberg, second by Mr. McMorrow, to continue 8-600 to July 15th. Vote: 7-0.

Notice of Intent

8-548 Request to Amend Order of Conditions

Michael Rosati, of Marchionda Associates and Mark Mastroianni from Pulte Braintree LLC were present.

Mr. Flynn noted that the Commission received the response letter from Marchionda and thanked Mr. Rosati.

Mr. Rosati presented an overview of the project and addressed drainage concerns raised at the last meeting. Mr. Rosati outlined the steps that Pulte Braintree will take alleviate drainage problems. One is redirecting the pipe from the tennis court area away from the wetland behind Sagamore St. and toward the detention wetland. Mr. Flynn asked what Mr. Rosati expected would happen when that was done. Mr. Rosati said the pipe was flowing half full during the recent storms and there is scour at the outlet, so a significant flow is going to that wetland and redirecting will have an impact.

Mr. Rosati said installing the outlet control structure in the detention wetland will free up capacity in the 30 inch pipe and allow more room for the 24 inch pipe (from the Sagamore wetland) to flow into it. He said a third thing they propose to do is address the rip rap in front of the 24 inch pipe draining the Sagamore wetland. The rip rap has filled in with sediment and has vegetation growing in it and it is about 8 or 9 inches above the invert for the 25 inch pipe. Removing this material will improve flow to the pipe.

The fourth step Mr. Rosati proposed is to build a landscape berm to reduce the area draining to "Mr. Toma's ditch and install a flapper valve in the overflow pipe draining the ditch to prevent water from backing up into the ditch from that pipe when the river floods.

Staff said that the issues in the staff report had been addressed and that she had begun working on conditions, including conditions that the drainage improvement work be done first.

Mr. Weinberg said that he, Ms. Feldman, Ms. Francis, Ms. Phelan and two abutters had been on the site visit with the project team. He said he feels that the proposal is a better plan than what the original developer had proposed because this increases open space and corrects drainage issues. He also noted that the number of trees being planted on the site increases under this proposal.

Ms. Feldman said she felt that Pulte was trying to help with flooding problems and appreciates that. She said the only concern she still has regards the soils analysis for the stormwater system. Staff said that the stormwater standards require this be done in advance for purposes of designing infiltration systems but that Mr. Rosati had used a conservative approach for design.

Mr. Rosati said that it is more convenient to do the soils analysis during construction when the equipment is on site. Ms. Feldman asked what they would do if the soils analysis did not turn out as expected. Mr. Rosati said they would move the infiltration structure.

Mr. Weinberg said the county soil surveys are a good source of information.

Mr. Rosati said they are confident that they won't hit ledge because they have done borings for the foundations. They just need the perc rate. He proposed that they do it prior to construction of the buildings that will use the infiltration structures. Ms. Feldman said she would like it to be done right away at the start of construction and staff agreed that this was a good approach.

Chris Frisoli, an abutter from Sagamore St. said he was concerned that if the neighbors hadn't spoken up that the drainage problems would not have been fixed.

Mr. Flynn said that this is the process and the public hearings are how we learn of problems.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue to May 20 for draft conditions. Vote: 7-0.

Request for Determination of Applicability – 1096 Liberty St./Sanfilippo

Joseph Sanfilippo was present. He said his father had filled in a section of stream channel which held water back on his neighbor's property. He would like to remove the fill and restore the stream.

Mr. Flynn asked how long ago it was filled. Mr. Sanfilippo said it was probably 15 years ago.

Ms. Feldman noted the concern mentioned in the staff report about the effect it could have downstream. Staff said it was a concern because the fill holds water back and makes a detention basin of sorts in the neighbor's yard. She said that removing the fill was restoring the channel to its pre-existing condition however.

The abutter from 1094 Liberty St., Mr. Battista said prior to the filling the water would flow out of the wetland over a few days.

Mr. Flynn said he didn't have great hesitancy about opening it up and restoring what had been there, especially if there hadn't been major changes or development over that time which would change drainage conditions.

Mr. Weinberg commended Mr. Sanfilippo for his willingness to restore the stream channel and asked if he had seen staff's suggested conditions. Mr. Sanfilippo said he had and had no problem with them but that he would want to use the stones in the fill for lining the channel rather than buying stone.

Mr. Weinberg suggested the Town Engineer advise on the project. Staff said she had talked to the Assistant Town Engineer.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue to the May 20 meeting. Vote: 7-0.

Notice of Intent

8- 2 Garden Park/McGourty

Staff gave the background on this. She noticed encroachment further into the buffer zone and floodplain at the site and sent Mr. McGourty a letter and enforcement order in January. In response, he attended a Commission meeting and said he was working with his engineer to draw up plans for using that area and he would file with Conservation. That is the application before the Commission.

Patrick Roseingrave, the project engineer, presented the plan for the site. He said they staked the area where they propose to put a concrete block wall to protect the wetlands. A wetland expert flagged the wetland and proposed trees and shrubs be planted behind the wall.

Mr. Flynn asked about a shaded area on the plan indicating fill. Mr. Roseingrave said Mr. McGourty had parked equipment there on mulch and wood chips. They propose to remove a foot of material from this area and put down 9 inches of gravel instead for parking.

Mr. Roseingrave said that the wetland expert had said the wetland wasn't that important. Mr. Weinberg said that the wetland is very important, it's part of Cedar Swamp and the Monatiquot River floodplain. He added that vehicles and equipment can't be stored in the floodplain without compensatory storage and asked if there was any. Mr. Roseingrave said there was not.

Mr. Weinberg asked Mr. McGourty if the area flooded during the recent flood events. Mr. McGourty said there was flooding in Garden Park but not in this area.

Ms. Francis said it doesn't seem reasonable to have parking in the floodplain. Mr. Roseingrave said you can't fill in a floodplain but you can park cars. Staff said only if the Commission approves parking.

Mr. Weinberg said vehicles leak. There have been problems like that on other sites near the Farm River. He said the Commission needs to see the flood plain on the plan as well as the 100 and 25 foot buffer zones and calculations on drainage and suggested a site visit.

Mr. Flynn asked where runoff from the area would go and asked if they had done any stormwater management. Mr. Roseingrave said the water would infiltrate through the gravel to the groundwater and that they had not done stormwater management.

Mr. Flynn said any petroleum spills would leach into the groundwater and that the runoff should be directed to the site's stormwater system.

Mr. Flynn asked staff to set up a site visit. Staff asked if the Commission wanted the applicant and his engineer to provide the additional information on the plans before the next meeting. Ms. Feldman said if there is a possibility that it won't be approved, she would not want the applicant to spend money on updating the plans.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue to May 20. Vote: 7-0.

Julio Leitao was present representing an abutter, Joseph Iantosca and said he was checking to see what was going on.

Other Business

Discussion with Conservation Ranger

Bill Grafton was present to update the Commission on his activities. He discussed conditions at Cranberry Pond area, Eaton's Pond Area and South St. Area.

He said Cranberry Pond is in good condition except for some party spots. He has not found any hunting stands. He posted trail markers which identify the Commission and he will begin work on constructing the signage board/kiosk.

Eaton's Pond has no signage except "no trespassing" signs and has about five major garbage dumps sites, party spots and abandoned homeless camps. He worked with staff at the Eaton's Pond Earth Clean Up sponsored by Covanta and suggested signage and increased presence on this land.

Staff said the trash at Eaton's Pond goes beyond what volunteers can accomplish and she recommends that town officials will need to sit down and discuss how to deal with the situation. Mr. Flynn suggested inmates as a way to clean up the dump sites.

Mr. Grafton went on to discuss South St. There is no parking, limited signage and some garbage. There area also several deer stands and bird or insect boxes which are being monitored by someone as well as some ATV activity.

Ms. Feldman said it sounds like there is a lot to clean up and she would like one park at a time to be addressed. She also suggested more press releases and outreach.

Mr. Grafton said the kiosk project will probably take 20-25 hours but at his five hours per week that takes away from patrolling the areas for several weeks. He asked the Commission if they would like him to do the kiosk project in addition to patrolling. Mr. Flynn said he had no problem with that. Mr. Murphy said he felt it was important to keep patrolling.

Request for Extension Permit 8-474 Buker Corner Estates

Staff said this is a six lot subdivision. Four of the houses have been constructed and two lots remain. The developer, Norman Preston, requested a three year extension because of the housing market. Staff recommended the Commission issue a three year extension.

Mr. Weinberg said he did not feel comfortable issuing a three year extension without hearing directly from the applicant.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue to May 20 and request Mr. Preston attend. Vote: 7-0.

Sunset Lake 319 Grant Application

Staff said she is working on a 319 grant application for stormwater improvements at Sunset Lake. Last year's application was very close to be funded and she has been working with CEI consulting engineers to improve the application and get the work funded this year. She asked for the Commission's support for the concept which includes stormwater BMPs at the beach area and the high school. The Town's expected match will probably be about \$60,000 but that number will be determined at the next meeting.

Motion by Mr. Murphy, second by Mr. McMorrow, to fund the match for the 319 grant. Vote: 7-0.

Funds to Attend Workshop

Staff said that Ms. Francis had been attending the MACC trainings but that the Department's budget for training and workshops is now depleted. Ms. Francis wishes to attend one or two more trainings before the fiscal year ends on June 30, 2010. Staff recommended these be funded out of the filing fee account which can only be used for administering the Wetland Protection Act. (Training on the Act is included in what this account can be used for.)

South St. Conservation Land Clean Up & Braintree Gardens – Clean Up Supplies

Staff said that students from the Thayer Academy Environmental Club want to do another clean up day (they cleaned up the Town Forest in the fall) and are going to the South St. Conservation Land Area. Both Ms. Phelan and Mr. Grafton will be there with the students and teachers on May 16th.

This apartment/condo complex is on the Monatiquot River on Commercial St. They are having a clean up the weekend of May 22 and asked if the Commission would provide trash bags and gloves.

Staff requested the Commission fund a supply of trash bags and gloves for these and future clean-up events.

Motion by Mr. Weinberg, second by Mr. Murphy to fund up to \$200 for clean-up supplies. Vote: 7-0.

Meeting Schedule

Staff proposed meeting dates for the rest of the year.

Minutes of April 15, 2010

Motion by Ms. Francis, second by Mr. Murphy, to accept the minutes of April 15, 2010. Vote: 7-0.

Adjourn

Motion by Ms. Francis, second by Mr. Murphy, to adjourn the meeting at 9:05 PM. Vote: 7-0.