

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, OCTOBER 3, 2013

APPROVED

Present: Patrick Flynn, Chair; Gail Feldman, Matthew Hobin, Gus Murphy, Alan Weinberg & Kelly Phelan, Staff

Absent: Diane Francis, Daniel J. McMorrow

Public Hearings

Notice of Intent DEP File #8-621 (Continued from August 29 meeting for draft conditions) **177 Commercial St./O'Leary**

Mr. Flynn opened the public hearing. James O'Leary was present with his attorney, Carl Johnson.

Staff provided draft conditions for the Commission's consideration. She gave an overview of the conditions, noting the conditions for the riverfront restoration, debris removal and perc sand to replace the fill around the infiltration chambers.

Attorney Johnson asked the Commission if condition #41 for the as-built bond could be reduced from \$3000 to \$1500. He said that Mr. O'Leary will also be posting a bond with the Planning Board and it is another expense to carry.

Staff said the purpose of the bond is ensure that people close-out their projects as they have had several situations where applicants do not request a Certificate of Compliance for years, until such time as they sell the property.

Mr. Weinberg said he could accept \$1500 as the as-built guarantee.

Ms. Feldman said it was important for the applicant to close-out the project.

Mr. Flynn asked if there was public comment. There was none.

Motion by Mr. Weinberg, second by Mr. Murphy, to find the project significant to the Wetland Protection Act and Braintree Wetland Bylaw. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to issue the Order of Conditions with an amendment to condition #41 to reduce the as-built guarantee from \$3000 to \$1500. Vote: 5-0.

Notice of Intent DEP File #8-622 *(Continued from August 29 meeting for draft conditions)*
845 Granite St./GWNE Inc. (Golfer's Warehouse)

Nicole Hayes from Lucas Environmental was present on behalf of the applicant.

Staff reviewed the draft conditions proposed for vegetation management, noting the restored buffer strip, boundary markers and vegetation maintenance limits.

Mr. Flynn asked for public comment. There was none.

Motion by Mr. Murphy, second by Ms. Feldman, to find the project significant to the Wetland Protection Act and issue the Order of Conditions as drafted. Vote: 5-0.

Notice of Intent DEP File #8-623 *(Continued from August 29 meeting for draft conditions)*
Route 3/MA Department of Transportation

Robert Bennett from MA DOT was present Kristen Kent from VHB, Inc.

Staff reviewed the draft conditions. Mr. Bennett said that MA DOT was unable to provide a cash bond for the as-built guarantee. He also said they don't follow the as-built procedure. He said their final (100%) design plans are built as designed and any variations would be brought back to the Commission.

Staff said they would need to add a condition that they receive those final plans. She noted that the plan set they received had not been stamped by the engineer and they require a stamped set.

Staff asked if they cannot provide as-built plans if they could at least have the engineer provide a substantial compliance statement at the end. Ms. Kent said they could not.

Ms. Feldman said they expect an engineer to certify at the end that the project was done in compliance with plans. Ms. Kent said MA DOT doesn't follow that process.

Staff said she had a request in to Town Counsel to advise on another issue raised by Ms. Kent prior to the meeting. That issue is that MA DOT does not record the Order of Conditions. Perhaps Town Counsel can advise on this issue as well.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue the hearing for 8-623 to November 7th. Vote: 5-0.

Other Business

Violations – Elm St.

John Curran, partial owner (with Terry & Curran, LLC) of 255 Elm St. and Simon Chan, owner of 245 Elm St. were both present in response to the enforcement letter sent regarding trash on the banks to the Monatiquot River.

Mr. Curran said he had a crew remove the trash on the banks behind his property. He noted the steep slopes and said had not been aware of the extent of the trash. He also said that the owner of the 265 and 275 Elm St. should have to do the same actions. Staff said she had contacted that owner and advised him that he will have to put up a fence and enclose the dumpsters on his property.

Mr. Curran said he obtained a quote from a fence company for six foot chain link fence and would proceed if the Commission agreed.

Mr. Chan said he also had the trash removed from the bank on his property and would have a fence installed.

Staff clarified that they would both six foot chain link fences (black vinyl coated) and enclose their dumpsters with the same material, prior to the November 7th meeting. Staff will contact Jack Tassinari and have him do the same for 265 and 275 Elm St.

Request for Approval of Restoration Plan 8-405 501-551 Mahar Highway/F.X. Messina

Applicant not present.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue the matter to the November 7th meeting.
Vote: 5-0.

Request for Certificate of Compliance 8-614 1091-1093 Washington St.

Staff said that the applicant, Mr. Clancy, had not yet planted the required shrubs in the 25 foot buffer and recommended holding off on this until the November 7th meeting. Vote: 5-0.

Scituate Water Conservation Event Summary

Staff said she and Ms. Feldman and Ms. Francis had attended the event. They learned that Scituate has similar issues as Braintree with their herring run. The fish would ultimately end up in their drinking water reservoir. They are working on providing adequate flow in the fall to enable the juveniles to migrate out of the reservoir.

Approval of Minutes –

August 29, 2013

Motion by Mr. Weinberg, second by Ms. Feldman, to accept the minutes of August 29, 2013. Vote: 5-0.

September 12, 2013

Motion by Mr. Murphy, second by Mr. Weinberg, to accept the minutes of September 12, 2013. Vote: 5-0.

Adjourn

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