

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, AUGUST 29, 2013

APPROVED

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

Absent: Gus Murphy, Vice Chair, Matthew Hobin

Public Hearings

Notice of Intent DEP File #8-621 177 Commercial St./O'Leary

Mr. Flynn opened the public hearing for 8-621. James O'Leary, the property owner, was present with Attorney Carl Johnson, Sean Hardy, the Professional Engineer, and Crystal Brinson, Horticulturist.

Mr. Hardy presented the revised the site plan and reviewed the changes made since the last hearing on August 1st. He added the 200 riverfront area boundary, revised the location of the dumpster and handicapped parking space, added haybales for erosion control to the top of the slope and around the area where the debris has to be removed. He said the area where the parking lot was proposed is degraded and that Ms. Brinson would present a restoration/planting plan.

Ms. Brinson presented the planting plan. She described it as a naturalized planting plan designed to create habitat and restore native plant material. Mr. Flynn said it was a nice assemblage of species but was concerned about their establishment and asked about watering. Ms. Brinson said she specified water retaining crystals and a 3 inch layer of mulch. Mr. Johnson added that there are two cisterns to contain roof runoff which can be used for irrigation.

Ms. Brinson described specified plantings for the area where the debris is to be removed. These include carex and aster to create groundcover. In the area behind the parking lot, she specified pin oaks, viburnums, switch grass, inkberry, milkweed and heliopsis as well as eastern red cedar and bayberry. Around the perimeter of the parking area, grasses and perennials are proposed as they will

not be damaged by winter snow storage. Other species specified around the house and driveway include sweet fern, hay-scented fern, Russian sage and low-grow sumac. She said the plantings will be low-maintenance and provide habitat for pollinators and insects and birds.

Mr. Weinberg asked if the trees to be removed would be marked for staff inspection prior to removal. Staff asked for clarification as to what was proposed to be removed. She noted that the trees were almost all Norway maples or catalpa, both of which are invasive. Mr. O'Leary said they would have to take some trees down along the property line with Mr. McCafferty. Ms. Brinson said they were planning to leave most of the trees except the leaning tree.

Mr. Flynn noted that some members had done a site visit. Staff said that members Francis, Weinberg and Hobin attended.

Ms. Francis said there was a lot of trash and debris in back and noted the steep grade to the river. Mr. Johnson said they would remove what was on the surface and stabilize it, then plant it. Mr. O'Leary added that a small machine would probably have to be used and noted that they would remove what they could without causing a landslide. Mr. McMorrow said that the plantings would be an improvement over the debris.

Mr. Johnson said they were looking for assurance that the Commission would not make them eliminate proposed parking area. Ms. Feldman asked about the drainage system, noting the importance of maintenance. Mr. Hardy said it was a deep sump catch basin and infiltration system and that an Operation & Maintenance Plan had been provided. Staff requested a recordkeeping log be added to the plan.

Staff asked for two points to be clarified. The area where the infiltration is proposed is fill, how will that be addressed. Mr Hardy said they will remove the fill and add sand. Staff asked for more information to be provided and in writing.

Staff also noted that there were aesthetic concerns about the guardrail from the planning staff. It was intended in part to prevent snow from being pushed toward the river but the ability to store snow on the perennial and grass beds and the presence of taller shrubs and granite blocks would prevent pushing snow toward the river. The Commission agreed that the guardrail could be eliminated.

Motion by Mr. Weinberg, second by Mr. McMorrow, to continue the hearing to the October 3rd meeting for draft conditions. Vote: 5-0.

**Notice of Intent DEP File #8-622
845 Granite St./GWNE Inc. (Golfer's Warehouse)**

Staff gave the background of this project. The Farm River flows through the property. In 2007 or 2008, unapproved vegetation removal along the banks of the river was done. The manager of the warehouse was asked to attend a meeting of the Commission and he said he would not do it again. Then, earlier this summer, staff noticed vegetation removal and herbicide use had occurred. She wrote to the property owner as well as Golfer's Warehouse advising them to attend the Commission's

July meeting to discuss next steps. The regional manager for Golfer's Warehouse, Michael Britt, responded. Mr. Britt said he would be out of the country at the time of the July meeting. Staff advised him to proceed with hiring a qualified consultant to develop a vegetation maintenance plan. The goals of this plan would be to prevent future violation by establishing guidelines for cutting or removal as well as restore a buffer strip along the river.

Mr. Britt was present with Tom Liddy, a wetland scientist from Lucas Environmental. Mr. Liddy said that Lucas Environmental had developed a maintenance plan to manage vegetation along Farm River.

Mr. Flynn raised a concern that Mr. Britt was not the owner of the property. Mr. Britt said he was working with the owner and that the owner was fully aware of the situation. Mr. Liddy added that the property owner had signed the Notice of Intent application. Mr. Flynn asked staff how any future enforcement would be directed; would it be directed to the owner or the tenant of the building? Staff said it would be similar to the way this enforcement issue was handled. She sent the letter to both the tenant and the owner so that both would be aware of the enforcement order.

Mr. Liddy continued describing the plan. It calls for trimming lower branches and cutting shrubby vegetation to a height of three feet. It also calls for removal of invasive species such as Japanese knotweed and multiflora rose through hand pulling and herbicide. It also calls for a restored buffer strip of 10 feet along the top of the bank. The buffer strip would be seeded with a native seed mix and mowed once annually to maintain it as a meadow.

Mr. Flynn said he had visited the site with staff that afternoon. Staff passed around photos of the site. Mr. Flynn said that a buffer strip on the Granite St. side would also be needed as debris from the street would run right off to the Farm River, which is the drinking water supply.

Mr. Flynn said the knotweed removal would lead to almost no vegetation on that bank and to just let it go as it will provide buffer and cover. Also herbicide use on the bank to the drinking water supply was not going to be permitted.

Staff clarified that the Commission would be looking for a revised plan which would not allow herbicide use, a buffer strip at the top of both banks, and cutting to a height of three feet.

Motion by Mr. Weinberg, second by Mr. McMorrow to continue to October 3rd for draft conditions, provided an acceptable revised vegetation maintenance plan is received. Vote: 5-0.

Notice of Intent DEP File #8-623
Route 3/MA Department of Transportation

Robert Bennett from MA DOT was present Kristen Kent and Ryan Lizewski, both from VHB, Inc. They filed a Notice of Intent for reconstruction of Route 3. Work includes repaving and installation of stormwater management features.

Kristen Kent, wetland scientist with VHB, Inc. said the stormwater improvement are focused in the Union St. area and consist of rerouting existing direct discharges of drainage to the Monatiquot River. They will do this by creating swales and infiltration basins. She said they are doing three new

infiltration basins and retrofitting two. They are intended to improve water quality. She said the ability to provide BMPs was limited by space constraints in this urban corridor.

Ms. Feldman asked if they had plans and said it would be helpful to see them. While the plans were being set up, Mr. Flynn asked what kind of relief they would provide from sodium chloride going into the river. Mr. Lizewski said the BMPs would treat TSS, nitrogen and phosphorus. Ms. Kent said they would not remove sodium chloride.

Ms. Feldman asked if the BMPs would improve flooding problems. Mr. Lizewski said that was not the goal of the project. The goal is to improve water quality by removing TSS and nutrients.

Mr. Lizewski explained the first BMP which will be constructed along the Union St. south off ramp. They will reroute drainage to an infiltration basin in the infield between the ramp and the travel lane and replace a yard drain that is currently there with an outlet control structure to retain water and allow for infiltration.

The next BMPs are in depressions in the rotary. Drainage will be rerouted to the rotary and outlet control structures will be added for overflow. Staff said the Town Engineer had a concern about how long water would be standing in the rotary.

Mr. Lizewski addressed the next BMPs near the southbound on-ramp and northbound off-ramp. Here, drainage will be rerouted to the median, to an infiltration trench and another infiltration basin which will go to an existing discharge to the Monatiquot.

Mr. Weinberg asked if they would be scarifying the pavement and the need for erosion controls. Ms. Kent said they would be micromilling and that machine picks up the bits of asphalt. She said they specified filter socks for erosion control.

Ms. Feldman asked about maintenance of the BMPs. Mr. Bennet said MA DOT has a maintenance program which they continually try to improve.

Motion by Mr. McMorrow, second by Mr. Weinberg, to continue to October 3rd for conditions. Vote: 5-0.

Other Business

Violation – 82 Howie Rd.

Thuan Pham was present. Staff gave the background of this issue. Mr. Pham removed several large trees from his yard which is along the Town Brook. Staff directed Mr. Pham to cease from any further vegetation removal and told him to let the area regrow. She also requested he attend the meeting in case the Commission wanted to take further action such as issuing fines or having him replace what was removed.

Mr. Flynn asked Mr. Pham why he removed the trees. He said one was rotted and the other one they wanted to remove in order to have more light.

Mr. Flynn asked Mr. Pham if he was aware of the Wetlands Protection Act. Mr. Pham said he was not. Mr. Flynn said it had been in place since the 1970s and regulates all work within one-hundred feet of a wetland.

Discussion ensued on whether Mr. Pham could create a lawn or landscaped areas. Staff said creation of lawn or landscaped areas would require a Request for Determination of Applicability. Letting the area restore itself to an unmaintained condition would not.

Citizen Request

Meredith Duffy from 1486 Liberty St. was present at the meeting. She said she missed the filing deadline have her project be on the agenda that evening and asked if the Commission would schedule a September meeting so that she would not have to wait until October.

Three of the five members present indicated they could be available on September 12th and agreed to schedule a meeting for September 12th.

General Enforcement Discussion

Staff said she wanted to check in with the Commission on how enforcement actions are handled. Generally she will direct a violator to stop the alteration and restore (by removing fill or allowing altered vegetation to regrow). She would like to know if the Commission would like violators to attend a meeting (as Mr Pham did based on staff's inquiry to the Chair).

Discussion ensued. The end result was that staff will address violations on her own unless the circumstances warrant Commission involvement.

Enforcement on Riverbank Trash Dumping – Elm St. & Commercial St.

Staff said she observed trash and debris on the bank to the Monatiquot River behind apartments on Elm St. She drafted a letter to the owners for the Commission to review. The letter states that they must remove the trash, develop a plan (such as enclosing the dumpsters and fencing at the top of the bank) to prevent future problems and attend the Commission's October 3rd meeting to present the plan and discuss implementation.

She sent a similar letter to 191 Commercial St. to have them remove trash from the bank behind that apartment building.

Monatiquot River Access Discussion

Staff suggested the Commission consider the possibility of creating a canoe/kayak launch at the Union St. property. A lot of investigation would need to be done to evaluate the feasibility but it would be something to work on over the next few months.

Approval of Minutes

Motion by Mr. Weinberg, second by Ms. Feldman, to approve the August 1st minutes. Vote: 5-0.

Adjourn

Motion by Mr. Weinberg, second by Ms. Feldman, to adjourn the meeting at 8:45 pm. Vote: 5-0.