

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, DECEMBER 6, 2012

Present: Gus Murphy, Vice Chair; Diane Francis; Gail Feldman; Matthew Hobin; Alan Weinberg & Kelly Phelan, Staff

Absent: Patrick Flynn; Daniel J. McMorrow

Public Hearings

APPROVED

Notice of Intent

8-618 Lot 6G Washington St./Hart

Sean Hardy, the project engineer was present with Paul Gratta, the builder for the proposed project. Mr. Hardy explained that Lot G fronts on Washington St. and Faulkner Place. There are two lots (6F and 6G) involved in the overall project with a house proposed on each lot. Lot 6F will share a common driveway with Lot 6G but 6F is entirely out of the buffer zone.

The house on Lot 6G is 101.4 feet from the wetland line and therefore out of the buffer zone but a portion of its driveway will be within the buffer zone. Mr. Hardy said the wetland was flagged by Ivas Environmental. Mr. Hardy said that while the project is exempt from the stormwater standards, he was responsive to staff's comment for some infiltration to be provided. He proposed leaching galleys to infiltrate roof runoff for both houses. The galleys will be 4' x 4' x 4'.

Other work in the buffer zone includes the running the sewer line out to Faulkner Place. The line would be 75 feet from the wetland. This would be done to for a gravity connection rather than having to pump sewage up to the Washington St. main. Mr. Hardy said he spoke to the Water & Sewer Department and they would like an 8 inch sewer line to be used. This is oversized for the two houses but because it is a long run a bigger pipe will help ensure there are not blockages.

Mr. Weinberg said there was an enforcement order against the previous owner. He reviewed the file and it has passed but the current owner should know that there was inappropriate fill placed on the site, including rebar, tires, tree trunks, etc. He said they should check to see if the site is clean.

Mr. Weinberg said he was concerned with seeing that the drainage not impact the abutters. He asked if runoff calculations were done. Mr. Hardy said the project is not subject to the stormwater management standards but that the leaching galleys are sized to handle runoff from the hundred year storm. He said that he would be responsive to staff's comment about the need for something at the end of the common driveway to slow and infiltrate runoff. He suggested a 10 foot wide strip of rip rap to slow the runoff and prevent scour.

Mr. Weinberg said he was concerned about the drainage since there is about 285 feet of driveway. He asked in catch basins were proposed? Mr. Hardy said no. Mr. Weinberg said that the stream bordering the wetlands has been a source of contention for the people on Bestick Rd. and that there has been a lot of flooding.

Mr. Weinberg asked about erosion control. Mr. Hardy will revise the plan to show this.

Mr. Weinberg asked for clarification that the sewer line will go out to Faulkner Place and noted that maintenance will be important. Mr. Hardy said the line is oversized for two dwellings, there are manholes for access and there is a 6% slope for some of its run before it drops down to a 2% slope. Mr. Weinberg asked how the leaching galleys would be maintained. Mr. Hardy said they would need little maintenance because roof runoff is clean but there will be manhole covers to provide access at grade. He added that they will be set 10 feet off of the foundation to get the water away from the foundation.

Mr. Weinberg asked about snow removal at the house were the Commission does have jurisdiction. Mr. Hardy said they located the house high up on the lot to minimize impact to the buffer zone. They will place the rip rap strip at the end of the driveway so they will see any build-up of sediment.

Mr. Weinberg asked about compliance with the tree policy. Mr. Hardy said they will comply with that. He said the impact from installation would be minimal, the line is only 4 feet deep so the excavation does not need to be much wider than that.

Ms. Feldman asked if Mr. Hardy was aware of the flooding problem in the area and the hydrologic study which was done on the Bestick Rd. brook. Mr. Hardy said he was not. Ms. Feldman asked about the history of when the lots were created. Mr. Hardy said he was not sure when they were created but they are able to build here by right. The houses are out of the buffer zone and out of the building restriction zone. Mr. Hardy said the leaching basins will handle the 100 year storm.

Staff said there was history of the flooding in the area so the Town hired a consultant to do a hydrologic study of the area. One of the proposed solutions was to construct the detention basin behind Archbishop Williams's field, upstream. Another phase was to construct a flood control project along the Bestick Rd. brook. Staff said that in talking with the Town Engineer he indicated that the basin was working well and the second phase may not be necessary.

Ms. Feldman asked about the sewer construction and re-vegetation. Mr. Hardy said they will add erosion control around the area and loam and seed the area.

Mr. Murphy clarified that Mr. Hardy would revised the plans to show erosion control and the rip rap area and that he would receive a copy of the tree policy. Staff and Mr. Hardy agreed.

Mr. Weinberg said the brook should be shown on the plan. Mr. Hardy said he would have to change the scale to fit it on the plan.

Mr. Murphy asked if there was comments from the public.

Jackson Lam from 37 Bestick Rd. asked when the project would start and how long it would take. Mr. Hardy said the builder was ready to go. Mr. Gratta said construction would take a few months but that the residents on Bestick would not hear much because of the distance.

Mr. Lam said the forest between his house and the project site doesn't seem that big. Mr. Hardy said it is about 300 feet from the construction and he will show the brook on the revised plan.

Ruth Blunt from 24 Faulkner Place said the area is wetlands with a high water table and history of flooding. She said Hazmat was down there in 2010 (another resident said it was FEMA that was there). She said the detention basin is not working. She said there was a lot of fill brought onto the site behind the house on Washington St. during the "Big Dig". The fill included concrete, light poles tile and other debris. Mr. Hardy said there is wetland out there but they are not working in it.

Mr. Weinberg asked staff if she saw the fill. Staff said she came in from the Bestick Rd. site to look at the wetland delineation and didn't go into the filled area. Mr. Weinberg asked her to look at it. Mr. Hardy said fill will have to be removed from the site and it is at the risk of the owners if there is dirty fill.

Donald Blunt, from 24 Faulkner Place, said the site needs to be graded down to get to what was there previously. He said the fill came in at 3 am night after night. He asked who the current owner of record is. Mr. Hardy said the owners are Gerald and Caroline Hart and that the some fill will have to be removed. They are cutting the grade at the driveway and holding a 10% slope down the driveway.

Ruth Blunt asked if the house proposed behind her would be higher than her house. Mr. Hardy said it would be about the same elevation; it would be at 70 feet and her house was at about 69 feet.

Ms. Feldman said she would like to hear comment from the Town Engineer as to whether this project will increase the flooding problem. Staff will let him know the Commission is looking for comment.

Mr. Hardy said the only thing in the buffer zone is the sewer and the driveway and they are making their best effort with the galleys and rip rap. He said there is no impact to the wetland and minimal impact to the buffer zone.

Mr. Weinberg asked the abutters if they had walked around the brook. Mr. Lam said he has gone back to parts of it but not the whole thing. He said his neighbor told him that the Town used to clean out the brook but they don't anymore.

Mr. Murphy asked if the abutters if they have seen a change in the wetlands since the fill was brought in. Mr. Blunt said they haven't seen a change where they are.

Al Giordani from 40 Faulkner Place said the Town has been vigilant about coming down to clean out the culvert and has been better about removing snow piles from the area near the brook. He said during floods he has seen the water as far up as the second house on the street and there should be no additional increase. He also asked what the sewer line installation would look like when it is done. Mr. Hardy said they would loam and seed and it would return to its natural state.

Paul Capeless from 50 Faulkner Place asked if the house could be moved so they wouldn't need a variance for wetlands and asked about the potential for additional houses in the future. [Note by staff: it is not a variance but rather review by the Commission for work within 100 feet of a wetland.] Mr. Hardy responded. He said that they could rotate the house out of the buffer zone to avoid jurisdiction by the Commission but then they wouldn't have to put in the leaching galleys. He said they are trying to do the right thing and make a good project. He said there would be no additional houses and noted the building restriction area.

Alice McIntire, 54 Faulkner Place, said she is next to the brook. She said her house has flooded to 3 feet in her basement. She would like to make sure that the flooding is not worsened by the project.

Ruth Blunt said that Mrs. Bestick, the original owner of the property, still lives in the area and has told people there is a spring on the land. Ms. Blunt said the builders might want to be aware of this.

Mr. Weinberg clarified that Mr. Hardy would provide a revised plan for the next meeting.

Ms. Feldman said she would like to the Town Engineer's thoughts on the plan.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue the hearing to December 20th.
Vote: 5-0.

Notice of Intent

8-617 20 Pond St./MSMM, LLC

Ronald Marshall, in-house counsel for Messina Enterprises, was present with Rob St. John of Messina Enterprises and Jennifer Turcotte, project engineer.

Mr. Marshall said that at the close of the last meeting the Commission requested staff to draft conditions. He said they had met with the staff and revised the plans and believed the order of business was to discuss the draft conditions.

Mr. Murphy asked if staff was satisfied with plans. Staff said she had received the plans that afternoon so hadn't really had a chance to look at them. She said the latest version of the Operation and Maintenance Plan had some things drop out and some things added. Since the O&M Plan is referenced in the decision it is important to have that accurate. She suggested the Commission discuss the conditions that evening and vote them if comfortable but hold off on issuing the decision until the final details are worked out.

Ms. Feldman asked for an overview of the project.

Mr. Marshall said it is a conversion of an old nursing home to apartments. They are tearing down the back section of the building and converting the front to 27 apartments. They are before the Commission because of the Monaquot River at the back of the site. There is floodplain, riverfront area and buffer zone located on the property. They are improving the drainage system and intercepting runoff with an underground infiltration.

Ms. Feldman asked if they are moving further toward the wetland. Mr. Marshall said they are not. He said there is a big drop off at the back of the site.

Ms. Feldman asked what changes they are proposing in the revised plans. Mr. Marshall said they are also in permitting with the Planning Board so they are adjusting plans.

Ms. Feldman asked if any of the changes impact the wetlands. Ms. Turcotte responded that they met with staff on Tuesday to address questions and further clarify things. She added the invert elevations for the stormceptors to the plans to clarify the flow sequence.

Mr. Weinberg asked if any of the drainage flows to Pond St. Ms. Turcotte said a portion of it does but they are substantially reducing the amount of runoff to Pond St.

Mr. Marshall said they are removing the roof drain connection to the Pond St. system and re-routing it to the stormwater treatment system. Only a portion of the entrance driveway will continue to drain to Pond St.

Mr. Weinberg asked if there were any culvert connections to the lake. Ms. Turcotte said there is a connection to Pond St. drainage.

Mr. Weinberg asked if there would be a benefit to putting a wall in at the back of the parking lot. Mr. Marshall said there is a guardrail. Mr. St. John said they are not touching anything beyond the guardrail. He reviewed the drainage improvements and the exiting outfall pipe and said by the time they are done nothing will be coming out of the pipe.

Mr. Weinberg asked if there was any debris which needed to be cleaned up at the back of the site toward the river. Mr. St. John said there are fallen branches but those recharge the soil; they can have a crew clean-up any trash.

Mr. Murphy asked if there was comment from the public. There was none.

Staff said the Commission could vote the conditions and issue the decision at the next hearing.

Mr. St. John said the Commission has the plans, the conditions, and the O&M plans and at this point any changes could be fixed in a 15 minute editing session. Ms. Turcotte said there were sequencing changes in the O&M plan but nothing was taken out. Staff said the catch basins were dropped out.

Mr. Weinberg raised a question about condition #35 which states that no salt or other de-icing chemicals shall be used on the site. Mr. Weinberg suggested it say that no sodium-based deicers shall be used on the site. Staff agreed that the way the condition read prohibited anything but sand and the Commission has agreed that calcium chloride can be used on other sites. Changing the condition would allow for use of calcium chloride.

Motion by Mr. Weinberg, second by Mr. Hobin, to accept the conditions contingent upon staff review of revised plans. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to find the project significant to the state Wetland Protection Act, Ch. 131, Section 40 and the Braintree Wetland Bylaw Chapter 12.20. Vote: 5-0.

Other Business

Request for Certificate of Compliance 8-405 555 Mahar Highway/F.X. Messina

Ms. Francis said she took a look at the area discussed at the last meeting (the area enclosed by jersey barriers) and was appalled by what she saw.

Mr. Murphy said it has been that way for years.

Ms. Feldman said it is leaving a property in poor condition.

Mr. Marshall said that the project that was approved included a building in this area. Tenants for the proposed building weren't found so it was never built and the configuration of the site changed over time. The reason the corner was left was that they hoped to find a tenant for it. They decided they should just close the project out so they don't have to keep posting bonds for completion of it with the Planning Board. If they find a tenant in the future they will come back for a new permit. He said that they met on site with staff in the spring. Staff said the site should be cleaned up. They removed some of the piles but didn't want to remove them all because they would lose the vegetation that is there. He said they are not averse to leveling the area, bring in topsoil and re-vegetating

Mr. Murphy asked if the jersey barriers were still there. Mr. Marshall said they are and they are there to prevent dumping. He said any time there is a vacant area it attracts dumping. He said it is not an attractive answer or a permanent answer. They will consider a chain link fence or perhaps white pines as an alternative. Ms. Feldman said that would be much more satisfactory. Mr. Marshall said they will come back with a plan.

Mr. St. John addressed the outstanding issues of drainage certification. He said the project was permitted so long ago that the software used to calculate the drainage is no longer available. The entire site would have to be re-modeled to compare pre- and post-construction drainage. Their engineer provided a letter stating that it is fairly obvious that there is no increase in the peak rate of runoff.

Staff said she was not comfortable accepting this, especially because there are different outlet pipe sizes than what was approved. Mr. Marshall said they will come back with the engineer.

Shoreline Alteration at Sunset Lake

In response to Commission concerns about the vegetation removal, retaining walls, etc. around Sunset Lake, staff reviewed aerial photos of the properties around the lake. Staff compared 2005 aerials with 2009 aerials and noted there is little change between the years. Most of the alteration is long-standing.

Approval of Minutes

Motion by Ms. Feldman, second by Ms. Francis to approve the November 15th minutes. Vote: 5-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Hobin, to adjourn the meeting at 8:30 PM. Vote: 5-0.