

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, JULY 14, 2011

APPROVED

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

Staff: Kelly Phelan

Mr. Murphy opened the meeting and began with the Eagle Scout project listed under "Other Business". Mr. Flynn arrived during the Eagle Scout project discussion.

Public Hearings

Notice of Intent DEP File # 8-606 915-1001 Liberty St./Sun Valley Estate's Homeowner's Association

Mr. Flynn opened the continued hearing.

Jim Decelle from the Decelle Burke & Associates was present and said they had reviewed the draft conditions and were in agreement with them.

Staff said that the pavement increase brought up at the last meeting was not needed so there were no changes to the plans. She said the stormwater management as shown on the last plan provided treatment using a grass swale and settling basin. Therefore she went ahead and drafted conditions for the Commission's consideration.

Staff said she wanted to amend the conditions to add one condition regarding the slope of the widened driveway pitching toward the swale. She discussed this with Mr. Burke (from Decelle Burke & Associates) and he had added a detail to the plan showing a 2% slope toward the swale.

Motion by Mr. Weinberg, second by Ms. Feldman, to issue the Order of Conditions as drafted and amended for DEP file 8-606. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing for 8-606. Vote: 6-0.

Request for Determination of Applicability
327 (329) Elm St./McMasters

Kerry McMasters was present. He explained the previous owner of his house used a different number than the legal address. He said they would like to remove an existing porch and add a deck within about 12 feet of a drainage channel which crosses their property. The work consists of digging holes for the cement support and wood framing the deck.

Staff said she had no concerns with the work.

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

Motion by Mr. Murphy, second by Mr. Hobin, to issue a negative Determination of Applicability with condition for silt fence. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing. Vote: 6-0.

Notice of Intent DEP File # 8-609
700 Rear West St./Blue Hill Cemetery

Michael Modestino, attorney representing Gerald Ridge, Sr. and Gerald Ridge, Jr. the CEOs of the Blue Hill Cemetery, was present with the Ridges. David Crispin, project engineer from the BSC Group, was also present.

Mr. Modestino said that they propose to construct a crematory on the south side of West St. near the cemetery office, garage and caretaker house. The site is 28.3 acres. Under MGL 114, crematories may be located on cemetery property. He said that in 1974, both properties (the south side of West St. and the north side) were designated as cemetery. He also cited statistics from a Boston Globe article regarding the increasing rates of cremation.

Mr. Modestino said that there is no work in BLSF. He said the elevation of the 100 year floodplain was confirmed by the Conservation Commission in 2001 as 118.5' under an Order of Resource Area Delineation. The building will be at elevation 122.1' about one foot above the FEMA floodplain elevation of 120.7'.

He said there is a net reduction in impervious surface and there will be two rain gardens. No bordering vegetated wetland will be altered and the site is not within estimated habitat of rare wildlife.

Mr. Crispin began his discussion of the floodplain. Mr. Flynn asked why they are proposing to work within the floodplain and what alternatives there are. Mr. Crispin said he would address that.

Mr. Crispin said the existing office and garage were constructed in the 1950s. The site is about 20 acres and only 6 acres is upland. There is a zone change line between residential and commercial through the site and the crematory is not allowed by zoning to be in the residential zone. He said that operationally the crematory should be near the office because it would be better for business procedures. He also said the cremation rate is rising and it is expected to be 55% in the next 10 years.

Mr. Crispin said they are removing 3400 sq. ft. of pavement in the buffer zone and will replace with a grass strip and two rain gardens. Overall they will gain 100 sq. ft. of pervious area.

He said that staff recommend the floodplain issue be sent out for peer review but that they went through that process eight years ago and a decision was made by the Commission to accept 118.5'. He said the regulations allow for the floodplain elevation determined by the NFIP to be overcome by credible evidence based on a 7" rainstorm and using the TR55 method. He said this was the method done in 2001 and the Commission agreed with it.

Mr. Crispin presented data from past storms going back to the hurricane of 1955 and he gave the observed flood elevations at the cemetery site from those storms. He said that the culvert on Lundquist Dr. was replaced with a much larger culvert and the flood maps don't reflect that. He said that since the culvert was replaced, the floods don't come up as high. He said that the flood map studies are based on 10 foot contours but the town now has 2 foot contours available.

He said that on March 13-14, 2010 there was 9.4" of rain and the site was flooded to elevation 119.5'. They calibrated their model to this storm and what was approved in 2001 represents the 100 year floodplain.

Mr. Crispin also said that they will be removing 250 cubic yards of fill to create the rain gardens and filling 500 cubic yards to elevate the building. Therefore, there will only be 250 cubic yards of fill in the FEMA floodplain and this would raise the flood elevation only .0004 feet over the entire 360 acres of floodplain. He said that he wished to appeal to the Commission's common sense.

Mr. Modestino said they are not suggesting that staff lacks common sense but that reasonable people can differ and that there is no need for a peer review.

Mr. Weinberg said he feels that there was substantial credible evidence in the past and he doesn't feel it is necessary to have a peer review.

Ms. Francis said she thinks it is an improvement in that they will remove pavement and make rain gardens.

Ms. Feldman asked if the crematory would be self-contained. Mr. Crispin said there are two retorts; one for burn and one for after burn. Ms. Feldman said she was talking about stormwater. Mr. Crispin said there was no discharge of stormwater.

Mr. Murphy asked staff if she was comfortable with the floodplain issue. Staff said she was not. She said the 2001 peer review raised issues and recommended additional study. Staff asked Mr. Crispin if, based on his comment that only 250 cubic yards of fill would be placed, why they couldn't provide that volume of compensatory flood storage instead. Mr. Crispin said that would ruin their yard.

Mr. Weinberg asked if the Town Engineer could review the floodplain. Staff said she thought this would be time consuming to review all the data presented and beyond the scope of his responsibilities.

Mr. Flynn asked Mr. Crispin what he meant by ruin the yard. Mr. Crispin said they would have uneven surfaces and the driveway would be lower.

Mr. Flynn said they are inching into the buffer zone and that over time the rain gardens may fill in with sand and sediment. Mr. Crispin said they don't use a lot of sand in this location because the snow plows are here and this area usually plowed first.

Mr. Ridge Sr. said that the previous board voted in favor of the cemetery.

Mr. Flynn asked for public comment.

Carol Hurlan Connors said she has been a neighbor for the last seven decades and her only concern is with noise and odors. Mr. Flynn said the Commission has jurisdiction only over Wetland Protection Act issues and the Planning Board hearing would be the place for noise or odor concerns.

Motion by Ms. Feldman, second by Ms. Francis, to send to accept for draft conditions contingent upon review by the Town Engineer. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue the public hearing to August 11, 2011. Vote: 6-0.

Other Business

Eagle Scout Project

Mr. Murphy opened discussion on this matter. Colin Foley from Troop 22 was present. Mr. Foley said he hoped to get approval to build one or two deer exclosures at Cranberry Pond Area. He said if he got approval from the Commission he would fill out the application to get permission from his troop.

Staff reminded the Commission that the U.S. Forest Service botanist who is setting up the vegetation monitoring program at Cranberry Pond recommended a couple of exclosures to see how the vegetation responds when deer browse pressure is removed. Staff said that he had recommended two specific locations for exclosures and staff showed these to the Mr. Foley. Staff said that she and the botanist had done the vegetation sampling in the plots in June and they would sample again next June.

Mr. Foley said he will raise funds for construction materials. Staff gave Mr. Foley the specifications developed by other groups who have built exclosures.

Motion by Mr. Weinberg, second by Mr. Murphy, to support the Eagle Scout project proposed by Mr. Foley for deer exclosures. Vote: 6-0.

Letter of Support – Monatiquot Riverwalk

Mr. Weinberg said that he attended the meeting Monday but they did not walk the route. He said the group has funding commitments from East Braintree Civic Association, Quirk and Citgo.

Ms. Francis said that she also attended and that the grant would be for someone from the federal government to help in moving the project forward.

Motion by Mr. Weinberg, second by Mr. Hobin, to send a letter of support. Vote: 6-0.

Release of As-built Surety

8-541 190 Trefton Dr.

8-560 Lenox Farms

8-569 12 Adams St.

8-577 71 Adams St.

Staff said that she had neglected to ask the Commission to vote to release the as-built surety when the Certificates of Compliance were issued on these four projects. She requested the Commission vote to release these funds.

Motion by Mr. Weinberg, second by Mr. Murphy, to release the as-built guarantee (\$200) for File # 8-541 190 Trefton Dr.

Motion by Mr. Weinberg, second by Mr. Murphy, to release the as-built guarantee (\$10,000) for File # 8-560 Lenox Farms.

Motion by Mr. Weinberg, second by Mr. Murphy, to release the as-built guarantee (\$500) for File # 8-569 Adams St. Mobil.

Motion by Mr. Weinberg, second by Mr. Murphy, to release the as-built guarantee (\$500) for File # 8-577 71 Adams St.

Approval of Minutes

Ms. Feldman said she had several corrections to the minutes of the previous meeting (June 16, 2011). Staff will send Ms. Feldman a disk with the audio tape of the meeting and she will mark up a copy of the minutes with her proposed changes.

Other

Mr. Weinberg said he wanted to clarify that the comments from the Town Engineer regarding the floodplain at the cemetery property should be in writing.

Adjourn

Motion by Mr. Weinberg, second by Mr. Murphy, to adjourn the meeting at 8:20PM. Vote: 6-0.