

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 7, 2010

APPROVED

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

Staff: Kelly Phelan

Public Hearings

8-601 Notice of Intent 2 Garden Park/McGourty

Documents: 10/1/10 Letter of application withdrawal from Brian McGourty.

Brian McGourty was present.

Mr. Flynn said that the Commission had gone into executive session at the September 16, 2010 meeting to discuss this property and that the Town Solicitor asked the Commission to remedy the use of the executive session. Mr. Flynn said that the executive session discussion could have been held in open session and read the minutes of the executive session aloud.

Motion by Mr. Weinberg, second by Mr. Hobin, to release the minutes of the September 16th executive session.

Staff said that at the September 16th public hearing, Mr. McGourty's engineer, Patrick Roseingrave was present and had said that Mr. McGourty is withdrawing his Notice of Intent application and restoring the site. At that meeting, the Commission discussed having the withdrawal statement in writing. Staff received written confirmation from Mr. McGourty of the withdrawal. Staff said the Commission had also discussed the September 16th meeting whether or not Mr. McGourty would need to appear before the Commission again and continued the public hearing.

Staff said she received a plan but needs to do a site visit to verify that the fill has been removed and asked that members of the Commission also be present.

Motion by Ms. Feldman, second by Ms. Francis, to accept the withdrawal of the Notice of Intent. Vote: 5-0.

Mr. Flynn asked Mr. McGourty if the restoration has been done. Mr. McGourty said that it had. Mr. Flynn asked staff to arrange a site visit.

8-603 Notice of Intent 79 Canavan Drive/Zechello

*Documents: Draft conditions dated 9/28/10
Order of Conditions form*

Kristen Zechello was present.

Staff drafted conditions for the Commission's consideration including a condition restricting future activity in the 25 foot no-disturb buffer and a condition on storage of pool chemicals.

Mr. Flynn asked Ms. Zechello if she had reviewed the conditions. Ms. Zechello said she had reviewed them and they are very clear.

Mr. Weinberg asked if Ms. Zechello if they have applied for a permit from the Board of Health. Ms. Zechello said no.

Motion by Mr. Weinberg, second by Ms. Feldman, to find the project significant to the state Wetland Protection Act Ch. 131 and the local bylaw and issue the Order of Conditions as drafted. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to close the public hearing for 8-603. Vote: 5-0.

8- 604 Notice of Intent 39 Vinedale Road/Metropolitan Yacht Club

*Documents: Draft conditions dated 9/29/10
Order of Conditions form*

Steve Green from the Yacht Club was present for the yacht club bulkhead and revetment restoration project.

Staff drafted conditions for the project and noted that she had discussed the conditions with Ms. Player, the project engineer. Ms. Player requested two changes. One, that language in #24 for the as-built guarantee say "or refundable deposit" in addition to "cash bond". Second, that #26 on maintenance of the infiltration trench, specifically regarding the replacement of sand in the trench, be amended to say "or as needed based upon inspection".

Motion by Mr. Weinberg, second by Mr. Hobin, to find the project significant to the state Wetland Protection Act Ch. 131 and local bylaw and issue the draft conditions. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to close the public hearing for 8-604. Vote: 5-0.

**Request for Determination of Applicability
234 Alida Rd./Deck Addition**

*Documents: Staff report dated 9/30/2010
Site plan 9/10/10
RDA form*

Staff explained that the project was an addition to a deck. The deck is located approximately 40 feet from Cedar Swamp in an area that is existing lawn. The area is also floodplain. Staff recommended issuing a negative Determination of Applicability with the condition that soil excavated for the deck footings not be used as fill within the floodplain.

Motion by Mr. Weinberg, second by Ms. Francis, to issue a negative Determination of Applicability, checking boxes 2 and 3 on the form, with the condition as drafted. Vote: 5-0.

Other Business

**Request for Certificate of Compliance
8-577 Arnold St./Graziano**

Documents: Staff report dated 10/6/10

Staff explained the background of this project in her staff report and reviewed the issues for the Commission. The project came from consent order from DEP to address sediment laden runoff to the river. The Graziano's were required to rebuild the settling basins and restore the 25 foot buffer. Staff observed the basin in an August 31st site visit and noted that the water is not clear in the final chamber of the basin. The Graziano's and their consultant on the project, Jarod Yoder, has said that the basin never reaches the level to outflow to the river. [They noted that during the floods in March the whole area was under water.] Staff said she is not comfortable with the recommending the issuance of the Certificate of Compliance and suggested a site visit for the Commission to evaluate.

Mr. Flynn said the settling basins will need to be cleaned, particularly from a concrete facility. Staff said there is an Operation and Maintenance plan.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue the request to the 10/21/10 meeting and make a site visit. Vote: 5-0.

Tolland Walkway

Mr. Weinberg said that he has been working with the East Braintree Civic Association on plantings for the Tolland walkway. The walkway is between Watson Park and Smith Beach. They plan to salvage wetland plants and move and mass them to enhance for wildlife and supplement with nursery stock. He said they hoped to do the work this fall but it may not be until next spring. Mr. Flynn said nurseries have bargain prices on plant material at this time of year.

Ranger Program

Documents: Staff report dated 10/5/10

In a memo dated 10/5/2010, staff provided the evaluation of the ranger program requested at the 9/16/2010 meeting and gave a summary. The ranger has found major dumping problems at Eaton's Pond, logging at Cranberry Pond and illegal hunting and feeding stations at South St. area. He has also been working on a kiosk for Cranberry Pond, marking Cranberry Pond with the Braintree Conservation Land tags, and doing a lot of clean up. Staff feels that the program is very valuable in having a presence on these lands.

Staff recommended more Town and community involvement at Eaton's Pond to address the very serious issues there. Mr. Flynn said that the clean-up of Eaton's Pond should be done by the Town, using the DPW crews and inmates if available. Staff said she would talk to the Mayor about this.

Discussion on the hunting issue ensued. Staff said the ranger has found bullet casings in the Cranberry Pond area, despite the fact the Town does not allow the discharge of firearms. Staff asked if the Commission supported posting no hunting signs, noting that the Commission had been planning to develop a hunting policy but it has not happened and there are no plans to do so in the immediate future.

Motion by Mr. Weinberg, second by Ms. Feldman, to post no hunting signs on conservation land.
Vote: 5-0.

Mr. Weinberg suggested writing a letter to Holbrook asking them to tell hunters who register there that there is no hunting in Braintree. Staff said she did not think hunters have to register with the Town but will check.

Executive Session of 9/16/10 2 Garden Park

*Documents: Executive Session Minutes 9/16/10
Staff report re: 9/16/10 Executive Session*

This discussion was held during the hearing on 2 Garden Park, while Mr. McGourty was present. See under 8-601 above.

Minutes

Documents: Minutes of 9/16/10 meeting

Motion by Ms. Francis, second by Mr. Hobin, to accept the minutes of the September 16th meeting.
Vote: 5-0.

Motion to Adjourn

Motion by Mr. Weinberg, second by Mr. Hobin, to adjourn the meeting at 8:00 PM. Vote: 5-0.