

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, SEPTEMBER 8, 2011

APPROVED

Members Present: Patrick Flynn, Chair
Gus Murphy, Vice Chair
Gail Feldman
Diane Francis
Daniel J. McMorrow, Jr.

Staff: Kelly Phelan

Public Hearings

Notice of Intent DEP File #8-610 60 Harness Lane Extension/West Point Development

George Collins, civil engineer, was present with Mike Amedo of West Point Development as well as the owner's representatives Ken Allman and Dacia Poulos.

Mr. Collins reviewed the project from the last meeting, saying it is a single-family home. He sent the plan requested by the Commission at the last meeting. The plan shows what was originally approved overlain with the current proposal. He said he also staked out the edge of the driveway and the house corners and understood that Commission members had done individual and group site walks.

Mr. Collins pointed out the limit of grading on the previously approved plan. He said there was 2200 sq. ft. of grading within the 25 foot buffer on the previously approved plan. With the new plan there is 1300 sq. ft. additional grading within the 25 foot buffer. He said they are limited by having to stay within the access easement.

Mr. Flynn asked what would have to be done to stay out of the buffer. Mr. Collins pointed out the access easement and its proximity to the wetland and said there was no way to stay out of the 25 foot buffer.

Mr. Flynn said that at the previous meeting it was presented that the grade of the driveway was potentially dangerous and that was the reason it had to be relocated. He said that he did not observe grade issues on site. Mr. Collins said there was 10% slope and he did not like to design more than an 8% slope. He added that since the adjoining property was sold, there would be no control over the easement.

Mr. McMorrow asked for clarification that in the rear section of the driveway there would not be grading within the 25 foot buffer. Mr. Collins said there was not.

Mr. Flynn said the question for the Commission is whether they will approve construction in the 25 foot buffer. He said if the Commission is going to waive the 25 foot no-disturb requirement would it be for a driveway in a subdivision.

Mr. Collins said it is a unique situation in that the project was previously approved. He also said that under the state regulations filling a wetland to access a lot is allowed and this is only buffer disturbance.

Mr. McMorrow asked if the riverfront issue (discussed at last meeting) was resolved. Staff said she felt that it had been resolved.

Ms. Feldman said she was concerned about flooding and impacts to the houses below.

Mr. Collins said there might be a little more runoff and that he could do drainage calculations if required.

Ms. Feldman asked what he was providing for stormwater management. Mr. Collins said none, because it is not required for single-family houses. Staff said the original approval included infiltration of roof runoff. Mr. Collins said he could do roof infiltration and additional plantings.

Mr. Collins said he could do a vegetated side slope (rather than rip rap slope) if the Commission would prefer. Mr. Murphy said it has to hold up the driveway. Mr. Amedo said it could be more vertical. Staff said a retaining wall seemed like a good solution since it would minimize the impact in the 25 foot zone.

Mr. Flynn said he would support a retaining wall and also suggested the possibility of mitigation for alteration of the 25 foot no disturb zone and asked staff if there were opportunities for that. Staff said she would have to look into that.

Mr. Collins said a retaining wall would cost about \$10,000. He asked if he went through expense of getting a structural engineer to design it would the Commission approve it. Mr. Flynn said he would like to see that it had a lip to prevent driveway runoff from draining into the wetland.

Mr. Flynn asked for public comment.

Ken Allman said the stream on the site has been dry for years. Ms. Feldman said it was bubbling during their site visit. Mr. Allman said that is because Messina's retaining pond fills up and overruns.

Mr. Collins said they are just trying to put in a driveway already approved and shouldn't have to spend a bunch of money for a retaining wall.

Mr. Murphy said he is not comfortable waiving the 25 foot-no disturb.

Ms. Feldman said she did not have enough information regarding flooding impacts.

Mr. Collins said he would add drywells for the roof runoff.

Ms. Francis said lawn chemicals may wash into the wetlands. Mr. Allman said there are three homes there today. Mr. Allman asked for clarification on the Commission's concern. Was it that adding the driveway would increase runoff? Mr. Flynn said that is a concern along with the runoff from driveways (salt, oil leaks, etc.) and said the impacts are cumulative.

Mr. McMorrow said he would be more inclined to approve it if the driveway was not being changed.

Mr. Collins asked if the Commission would approve it if the plan was similar to what was previously approved. Mr. Flynn said if there are things included to protect the wetlands. Mr. Collins said he could do a vegetated side slope which would be better for water quality and plantings along the toe of the slope.

Motion by Mr. Murphy, second by Mr. McMorrow to continue to September 22nd for revised plans.

Vote: 5-0.

**Notice of Intent DEP File 8-611
257 Ivory St./Covanta SEMASS LP**

Al Trakimas from SITEC Environmental was present with Len Landry, station manager for Covanta.

Mr. Trakimas said that since the last meeting he had submitted additional information to address staff comments.

Staff said she reviewed the additional information and revisions and was satisfied with changes. She asked for clarification from the applicant on two things. One is the process by which DEP's solid waste division approves work on or around the capped landfill, noting the concern with puncturing the cap. Mr. Landry said they were in the process of obtaining a solid waste modification from DEP. Staff also asked why the rain garden proposed to be added to the existing portion of the trailer road had no slope or basin to it. Mr. Trakimas said that in that area there is only about a foot to a foot and half of soil over the liner. He said they were trying to avoid impacting the liner but that he could revise the plan

to create a slight basin. He also presented a copy of the aerial photo from the town engineering department which depicts the landfill liner when it was installed. He used the photo to point out the layout of the liner around the site. He said there is a "donut hole" where there is no liner around the transfer station. He said that for the most part, work would take place within the donut hole area.

Ms. Feldman (absent at the last meeting) asked for an overview of the project. Mr. Trakimas explained that they are doing an upgrade to the station and will demolish the old incinerator building, enclose the truck turn around area, install air filters and make other improvements.

Mr. Flynn said aside from the process with DEP's solid waste division, he didn't see any outstanding issues. Staff said she would include receipt of that document as a condition.

Motion by Ms. Francis, second by Mr. Murphy, to proceed to draft conditions for 8-611 257 Ivory St./Covanta. Vote: 5-0.

Motion by Ms. Francis, second by Mr. Murphy, to continue the hearing to the September 22nd. Vote: 5-0.

Notice of Intent DEP File #8-612

Sunset Lake Parking Lot/59 Pond St./High School Access Dr./Planning & Community Development Department

Kelly Phelan was present as the project applicant for the Department. She reminded the Commission that this is the grant-funded project with additional funding coming from the conservation fund as well as the Community Preservation fund.

Ms. Phelan said the Planning Department had prepared draft conditions for the project.

Motion by Mr. Murphy, second by Ms. Feldman, to issue the conditions as drafted for 8-612 Sunset Lake stormwater project. Vote: 5-0.

Other Business

Jan Barris – Sunset Lake Pump Discussion

Jan Barris was present on behalf of some of the abutters to Sunset Lake. She said the lake gets stagnant in the cove by Furlong Park. She said there used to be an aerator there but it broke and was not replaced. She spoke to the company that does the aquatic weed treatment (Aquatic Control Technology) and discussed using either a fountain or an aerator in this cove. The aerator would be better because a fountain requires a minimum two foot depth to operate and this area does not always have that depth of water. She asked if the Commission might be able to fund an aerator.

Mr. Flynn asked if the abutters would help fund it. Ms. Barris said she would ask them. Mr. Flynn said it wasn't necessarily a huge biological detriment and suggested the residents pool together.

Ms. Feldman said the lake is very important to the community and she is interested in supporting an aerator.

Mr. Flynn asked if dredging was needed. Ms. Barris said she didn't think so. She said the Town used to draw down the lake in the fall and scrape the weeds out but it wasn't always practical because it would refill if there was a lot of rain. Mr. Flynn said he was thinking that sediment had built up. Ms. Barris said she didn't think so.

Mr. Flynn asked about water quality. Staff said that in June, prior to the beach opening, there had been a high bacteria (E. coli) result but since then levels had remained below the limit. Ms. Barris said dye testing had been done in the homes around the lake several years ago and no discharges to the lake were found. A broken sewer line in Safford St. was replaced and the toilets in the park building were found to discharge to cess pit and were then tied into the sewer.

Motion by Ms. Feldman, second by Mr. Murphy, to have staff look into the cost of an aerator and the Commission will participate if there is interest from the neighbors. Vote: 5-0.

Conservation Fund Transfer

Staff reminded the Commission about the vote taken on June 2nd to transfer the bulk of the conservation fund to a two-year CD in order to obtain a better interest rate, as well as the vote taken on June 16th to hold off on this action until the full funding for the Sunset Lake stormwater project was assured. She said the Town Council had approved the Community Preservation funding for the stormwater project and asked if the Commission wanted to proceed with transferring money to the CD as previously discussed. Staff said she would confirm that the details as discussed on June 2nd were the same (specifically the 1.4% interest rate and one month penalty for early withdrawal). The Commission discussed funds needed for the next two years.

Motion by Mr. Murphy, second by Mr. McMorrow, to transfer \$417,000 of the conservation trust fund to the two-year CD. Vote: 5-0.

Sun Valley Update

Staff said the engineer for the 3 lots with the outstanding Order of Conditions had contacted her requesting to be on the agenda. He has been working with at least two of the lot owners and has a proposal for the Commission. However, he did not submit anything prior to the meeting and has not been in touch.

Kiosk Materials

Staff said that the conservation ranger, Bill Grafton, was going to build a kiosk for the Town Forest (as part of a project organized by Town Councilor Clifford). Mr. Grafton asked if he could use some the materials left over from the Cranberry Pond kiosk, specifically tar paper, stain and shingles totaling about \$120. As the Commission has no plans to build another kiosk in the near future, the Commission agreed that these materials can be used for the Town Forest project.

Offer of Land Donation – Cliff Rd.

Staff said that the person who offered the Cliff Rd. parcels to the Commission was unable to pay the legal cost of drafting the deed. Staff discussed this with the Town Solicitor, Carolyn Murray. Ms. Murray said that the town could not draft the deed to itself because it would be a conflict. She also said it should only be a few hundred dollars. Commission members expressed willingness to pay the legal fees. Staff will obtain confirmation from Ms. Murray that it would be acceptable for the Commission to pay the fee to an independent, third-party attorney for drafting the deed.

Approval of Minutes

Staff said she made the changes requested by Ms. Feldman to the June 16, 2011 minutes. She also did a transcript of the meeting requested by Mr. Murphy. Mr. Flynn asked staff to go through both the minutes and transcript and clarify for the next meeting.

Motion by Mr. Murphy, second by Mr. McMorrow, to approve the July 14, 2011 and August 11, 2011 minutes. Vote: 5-0.

Adjourn

Motion by Ms. Francis, second by Mr. Murphy, to adjourn the meeting at 8:50 PM. Vote: 5-0.