

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 2, 2010

APPROVED

Members Present: Patrick Flynn, Chair
Gail Feldman
Diane Francis
Daniel J. McMorrow
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

*Documents: Draft Conditions for 8-600
Dated: November 26, 2010*

Notice of Intent 8-600 75 Granite St./Herb Chambers

Attorney Frank Marinelli was present with David Mackwell of Kelly Engineering and Scott Lewis, the manager of the 75 Granite St. Ford dealership. Attorney Marinelli said the store was acquired in 2001 and was in operation for years before that. He said the site had an open swale in the back. In 2002, Chambers filed a Notice of Intent to enclose the swale in a box culvert. The work wasn't done until several years later and two 24" pipes were installed instead of the box culvert. Kelly Engineering filed a new Notice of Intent reflecting the work which was done and how they would provide the required compensatory flood storage through the use of underground chambers. Attorney Marinelli added that the location of the former swale is within a MA Highway easement. They recently got MA Highway (now MA Department of Transportation) approval for the project. He also said the open swale collected debris and was detrimental to using the site.

Based on the vote at the previous meeting, staff prepared draft conditions for the Commission's consideration.

Attorney Marinelli said that they have reviewed the draft conditions and are fine with them.

Mr. Flynn asked if Commission members had any comments on the draft conditions.

Motion by Mr. Weinberg, second by Ms. Francis to issue the Order of Conditions for 8-508 75 Granite St. Vote: 5-0.

Motion by Mr. Weinberg, second by Ms. Francis, to find the project significant to the state Act and local wetland bylaw and close the public hearing. Vote: 5-0.

Staff also requested the Commission issue a Certificate of Compliance for the old Notice of Intent on this project (8-508). The Certificate states that the old NOI is invalid and the work is covered under 8-600.

Motion by Ms. Feldman, second by Mr. Weinberg, to issue close out the old file and issue the Certificate of Compliance for 8-508. Vote: 5-0.

Notice of Intent 8-605 69 & 81 Common St./Mento Enterprises, Inc.

Documents:

- 1) Plan: Notice of Intent Site Plan in Braintree, Massachusetts
Dated: August 12, 2010 and revised 11/2/10 and 12/2/10*

Greg Bunavicz from Boderland Engineering presented the project proposal. Joe Mento, the project developer was also present.

Mr. Flynn said he was not able to make the site visit and asked how it went. Ms. Francis said she was concerned about the third house displacing water. Mr. Weinberg said he felt the same and said the third house would have to be on a slab rather than have a basement.

Mr. Bunavicz said that third house (shown as lot 2 on the plans) will have a walk-out basement.

Mr. Weinberg asked if they plan to replant some of the plants which are on the site. Mr. Bunavicz said they would.

Ms. Feldman said she was not able to go to the site visit but the concern discussed at the last meeting was with flooding and increase in impervious surface.

Mr. Bunavicz said he revised the plan to include the impervious coverage calculations. He said the house runoff will be recharged with roof drains and they now propose porous asphalt pavement (with a stone underbase) for the driveways. He said there is now about 8000 sq. ft. of impervious area and with the new proposal there will be about 1200 sq. ft.

Mr. McMorrow thanked Mr. Bunavicz for the calculations and asked about floodplain status on the site. Mr. Bunavicz said the FEMA flood map has a note that the floodplain is "contained within the channel" of the Town Brook as shown in this area.

Mr. Bunavicz said he included a black vinyl fence to preserve the 25 foot no-disturb buffer. Staff suggested including a lawn area for the Lot 2 house because they can provide it without going into the 25 foot no-disturb.

Ms. Feldman asked if the construction can be done without going in the wetland. Mr. Bunavicz said yes. Mr. Bunavicz added that they prepared a mitigative planting plan to remove steps, walkways, irrigation wells and restore with native plants.

Mr. McMorrow asked Mr. Mento if he has worked with porous asphalt before. Mr. Mento said that he has not but his foreman has worked with the asphalt company and will work with them to install it. Mr. Weinberg said Flatley Company has used it and it worked well.

Mr. Flynn said the porous asphalt will have to be a surviving condition so that when the future homeowner's repave their driveways, they don't use regular asphalt.

Mr. Weinberg asked if the Town Engineer had commented on the easements. Staff said she brought the plan to the engineering department. Mr. Bunavicz said they are not proposing work within the easements.

Mr. Weinberg suggested a restrictive covenant to restrict future development or filling.

Mr. Flynn asked for public comment.

Ed Dowd said the existing house at #69 has a garage under but the new plan has an attached garage which is more coverage. He also said that behind the pool, behind the ranch house he has seen 30" of water. He said he thinks it is ground water.

Al Leonard from 95 Common St. asked about the recharge of roof runoff, noting that it sounds like percolation. Mr. Bunavicz said it is percolation. Mr. Leonard asked where the water would go if the groundwater table is high. Mr. Bunavicz said the recharge is proposed above the groundwater table.

Staff suggested a test pit could be done to verify the groundwater table.

Mr. Dowd said that he has seen water up to the broken tree behind #81 and that the Town drilled for water out there.

Roger St. Peter from 51 Cherry St. said there is a lake out there now and asked if they are raising the yards. He said the area around the covered bridge is covered in water.

Mr. Dowd said he is receptive to the restrictive covenant to prevent future filling. Staff said filling in a wetland is restricted by the Wetland Protection Act.

Mr. Leonard asked if they plan to take down the existing fence. Mr. Bunavicz said yes but they will not go into the easement.

Mr. Flynn asked when they plan to do the test pit and said the Commission would be interested in the results.

Mr. Weinberg asked Mr. Mento if he would be amenable to a restrictive covenant over the wetland and Mr. Mento said that would be fine.

Motion by Mr. Weinberg, second by Ms. Francis, to continue the public hearing to the December 16th meeting. Vote: 5-0.

Mr. McMorrow said that a restrictive covenant seems redundant since the wetlands are already protected by the Wetlands Protection Act and he is concerned that it is an additional penalty on the developer. Mr. Weinberg said it is not a penalty and he has seen too many cases of filling because people don't know better.

Other Business

Minutes

Documents: Minutes of 11/18/10 meeting

Motion by Mr. McMorrow, second by Ms. Francis, to approve the minutes of the November 18th meeting. Vote: 4-1 with Mr. Weinberg abstaining because he was not present at that meeting.

Meeting adjourned at 8:00 PM.