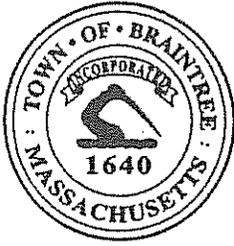


APPROVED

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  
Matthew Hobin  
Daniel J. McMorrow, Jr.  
Gail Poliner-Feldman  
Alan Weinberg

Staff Kelly Phelan

**CONSERVATION COMMISSION  
MEETING MINUTES  
THURSDAY, FEBRUARY 18 2010**

Members Present: Gus Murphy, Vice Chair  
Gail Feldman  
Matthew Hobin  
Alan Weinberg

Note: Diane Francis was present as a potential new member of the Commission.  
Ms. Francis did not vote or deliberate in Commission proceedings.

Staff: Kelly Phelan

**Public Hearings**

**Notice of Intent 8-596 Sunset Lake Aquatic Weed Control**

Dominic Meringolo from Aquatic Control Technology (ACT) presented the treatment program. The 57 acre, shallow lake has problems with excessive vegetation. The lake was treated in 1994 to address dense growth of the invasive species, Eurasian Watermilfoil. Since then the lake has been treated regularly to reduce density of aquatic weed species such as coontail, elodea and tapegrass. Mr. Meringolo discussed the negative effects of dense weed growth such as low dissolved oxygen levels and poor water quality. ACT will use herbicides approved by the EPA for aquatic use and obtain a License to Apply Chemicals from DEP.

The Notice of Intent proposes treating up to 15 acres of the lake with Reward (Diquat) herbicide. The exact treatment areas depend on conditions. Mr. Meringolo suggested this be increased to up to 20 acres (still less than half the lake). Because the lake is mapped as rare species habitat the Natural Heritage and Endangered Species Program is requiring monitoring of the mussel population. Rather than treating up to 15 acres every year, treating up to 20 acres every other year is proposed as a way to reduce the cost of the monitoring.

Mr. Meringolo also discussed the two contingencies outlined in the Notice of Intent. One is that Sonar herbicide be used in the event that milfoil reappears and the other is Aquathol K to be used for treatment of tapegrass in the beach area only (up to two acres).

Mr. Weinberg asked if they had prepared a map of the vegetation. Mr. Meringolo replied that the NOI contained a treatment area map but that their contract had not included map development.

Mr. Weinberg asked about doing treatment during the growing season. Mr. Meringolo replied that the weeds usually start growing in April but growth is slow until the water warms up. They like to treat in early June.

Ms. Feldman asked for clarification on what the Town would be contracting for. Mr. Meringolo replied that a pre-treatment survey is done a week or two before the treatment to assess what areas need to be treated.

Ms. Feldman asked staff about the performance standards. Staff explained that the project meets the performance standard with the exception of the wildlife habitat standard which only allows 5000 sq. ft. or 10% of area to be altered. However, because removal of aquatic vegetation is included as a limited project under 10.53 of the regulations, the Commission can allow it, despite it not meeting a performance standard.

Ms. Francis asked if the geese were causing the problem with weed growth. Mr. Meringolo replied that the geese contribute to the problem but that even if there were not geese at the lake, weeds would grow because of the shallow conditions. Ms. Francis asked if treatment going to be needed on an ongoing basis. Mr. Meringolo replied that unless the lake is dredged (which would be very expensive) the weeds will continue to grow every year.

Mr. Weinberg asked about the cost of treatment. Mr. Meringolo replied that it was typically between \$5000 and \$10,000 depending on the treatment area and whether water quality monitoring was included.

Mr. Weinberg said he supported using conservation funds to pay for the treatment.

Staff explained recent practice regarding the treatment; bids for the work are obtained. ACT is one of the few companies in the state that does this type of work and they have usually been the low bidder. The contract with ACT for the 2009 treatment included hours for the current Notice of Intent permitting and meeting attendance. Staff would obtain bids for the upcoming treatment. Staff also explained that she went out in the boat with Mr. Meringolo last June on both the pre and post treatment surveys to confirm the treatment area and verify the success of the treatment.

Staff said that Natural Heritage and Endangered Species Program had asked for additional information on dosage rates as well as for mussel monitoring. ACT will respond to the Natural Heritage Program.

Motion by Mr. Murphy, second by Mr. Weinberg, to continue the public hearing to April 1<sup>st</sup> to allow time to respond to Natural Heritage. Vote: 4-0.

### **Notice of Intent 8-597 Pond Meadow Aquatic Weed Control**

Dominic Meringolo from Aquatic Control Technology (ACT) presented the treatment program. The process is the same as for Sunset Lake however the Pond Meadow pond is smaller (about 20 acres) and very shallow( 3-4 feet throughout). The Notice of Intent proposes treating up to 10 acres at a time. This is consistent with previous treatments which treated 5-10 acres. Eurasian milfoil is a problem in the pond. Treatment with Navigate and Renovate herbicide are proposed for this species. Also Reward is proposed to treat bladderwort which, although a native species, gets very dense and grows up out of the pond.

John Wells of Regis Road said that Pond Meadow was created as a flood control project out of a wetland and asked if the intent was to keep it a pond? Mr. Meringolo replied that the intent was to keep it as a pond for both recreation purposes and because fish and wildlife had come to rely on it as a pond.

Sean Cleaves, the ranger at Pond Meadow Park, was also present in the audience and indicated that he agreed with Mr. Meringolo. Mr. Cleaves thanked staff for filing the Notice of Intent for Pond Meadow's treatment program.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue the hearing to April 1<sup>st</sup>. Vote: 4-0.

### **Notice of Intent 8-599 51 Liberty Park Drive**

Stephanie Kaiser and Hans Van Lingen from Coler and Colantonio was present representing Paul Cleary. Mr. Cleary proposes installation of an in-ground pool, an apron around the pool, grading and a landscape retaining wall with heights ranging from 2-4 feet. Infiltration of roof runoff from the existing house is proposed as mitigation even though single-family home lot projects are not required to meet the stormwater standards. A total of 2800 square feet is proposed to be disturbed, all of which is outside the 25 foot no-disturb buffer. Erosion control is proposed along the 25 foot buffer.

Ms. Feldman asked if seeding the 25 foot buffer, behind the retaining wall was proposed. Mr. Cleary said it would be left to a natural state.

Mr. Weinberg asked where the pool water will be drained. Mr. Cleary said the pool company will remove the water. Mr. Weinberg said that they are in an Area of Critical Environmental Concern and he doesn't want pool chemicals draining into the wetland. Mr. Cleary said the pool chemicals will be stored in the house.

Staff said the buffer zone was previously disturbed. When she was at the property in the summer, it was pretty much bare soil. She asked about plans for seeding the 25 foot disturb area. Mr. Van Lingen said there were not plans to seed it and that it had been revegetating.

Mr. Murphy suggested seeding the area be conditioned.

Motion by Mr. Murphy, second by Mr. Hobin, to continue to March 4<sup>th</sup> for draft conditions. Vote: 4-0.

## **Notice of Intent 8-598 250 Granite Street- Dave & Buster's**

Brian Dundon from RJ O'Connell was present representing Dave & Buster's and the South Shore Plaza (Braintree Property Associates). Dave & Buster's is intending to occupy the former Circuit City building at the South Shore Plaza and they propose site renovations.

Mr. Dundon outlined the resource areas. There is bordering vegetated wetland associated with the Quincy Reservoir and its 100 foot buffer zone. There is also a perennial stream which flows into the reservoir which has the jurisdictional riverfront area extending 200 feet from the river.

The proposed work includes a 480 square foot building appendage in the buffer zone to the wetland. (An existing 480 sq. ft. appendage will be removed and one added in a different location.) Other site work includes installation of 2 6000 square foot grease traps, a trash compactor pad, new electrical transformer and associated pavement cutting and repaving as well as a 2000 square foot landscape planter in front of the building.

The areas of work are existing pavement and there is no additional impervious surface proposed. Overall, a reduction in impervious surface of 2000 square feet is gained.

Mr. Dundon said the Plaza has a current Order of Conditions for the Nordstrom's expansion. The Order requires an updated Stormwater Operations and Maintenance Plan for the entire site. The plan has been updated and submitted. Staff raised some concerns about the plan and they will be working with her to address concerns about snow storage and salt use.

Mr. Weinberg asked how long demolition of the existing building appendage and interior would take and where materials would be stored. Mr. Dundon said he thought it would take about 2 months and that staging would be in the parking lot. Demo waste will go into metal containers.

Ms. Feldman asked for clarification that there is no encroachment into wetlands and clarification on the resource areas. Mr. Dundon said the only work was within the existing parking lot. Mr. Dundon also said there is a perennial stream which flows into the Quincy Reservoir- therefore there are two resource areas the stream and the wetlands associated with the reservoir.

Ms. Feldman noted that riverfront area redevelopment standards require an improvement over existing conditions and asked what that improvement was. Mr. Dundon said the improvement is the reduction in impervious surface of 2000 sq. ft. and implementing the new stormwater Operation and Maintenance Plan.

Ms. Feldman asked about implementation of the Operation and Maintenance Plan. Mr. Dundon said it specified pumping out catch basins, parking lot sweeping and other measures as well as recordkeeping of those activities. Mr. Dundon also said Dave and Buster's is a tenant of the mall and that the mall is responsible for site maintenance.

Ms. Francis asked how the grease traps work. Mr. Dundon said grease waste from cooking can't go into the sewer system. They are required to contain it in a grease trap and pump it out every three months.

Motion by Mr. Weinberg, second by Mr. Hobin, to continue the hearing to March 4<sup>th</sup> for draft conditions. Vote: 4-0.

### **Request for Determination of Applicability 28 Aspinwall Road**

Mr. Talanian and his contractor were present. Mr. Talanian proposed replacing an existing carport with a garage. Because the area of work is within the 100 foot buffer, he filed the Request for Determination of Applicability. Staff noted that Mr. Talanian and his contractor provided a plot plan showing the garage with erosion control sketched in. Staff recommended issuing a negative Determination with conditions requiring the erosion control use and requiring the applicant to contact staff to verify erosion control use.

Motion by Mr. Weinberg, second by Mr. Hobin, to find the project not significant to the state Wetland Protection Act or Braintree Wetland Bylaw and issue a negative Determination with conditions as proposed. Vote: 4-0.

### **Other Business**

#### **Resident Request**

John Wells from Regis Road requested that two items be placed on a future agenda. One has to do with a determination by the Army Corps of Engineers not to hold a public hearing on the proposed reservoir dredging project. The second item is that he would like a public description of the meeting about a stormwater committee.

Mr. Murphy agreed to schedule these items for the March 4<sup>th</sup> meeting.

#### **8-532- Enforcement – 2 Garden Park**

Brian McGourty was present for this matter.

Staff said it had come to her attention that a boat and construction equipment were being stored in the floodplain and buffer zone of 2 Garden Park, and that a pattern of encroachment exists on the site. The Commission approved construction on this site under an Order of Conditions but the limits of work have been far exceeded.

Mr. McGourty said he has more equipment sitting around now because of the economy and has to store it. Mr. Murphy said the boat and equipment could leak fuel which would be a problem.

Mr. McGourty said he plans to file a Notice of Intent to obtain permission to expand the areas he can use. Staff said that is what he said a year ago but nothing was ever filed. Staff said that a deadline for filing a new Notice was needed and that April 1<sup>st</sup> was more than generous amount of time to have the plans and application drawn up.

Mr. Weinberg directed Mr. McGourty to remove the boat within one week.

**8-587 Request for Certificate of Compliance CITGO Mooring Dolphins**

Staff stated that construction of the mooring dolphin project has been completed. She did a site inspection and reviewed the file and recommended issuing the Certificate of Compliance.

Motion by Mr. Weinberg, second by Mr. Hobin, to issue the Certificate of Compliance. Vote: 4-0.

**8-572 Request for Extension Permit 33-43 Garden Park**

Staff stated that Walorz Trucking had received a permit in 2007 for a building addition but they were not able to start construction. They plan to move ahead with the project this spring. Staff recommended issuing a three year extension.

Motion by Mr. Hobin, second by Mr. Weinberg, to extend the Order of Conditions for three years. Vote: 4-0.

**Minutes of January 7, 2010**

Motion by Mr. Weinberg, second by Mr. Hobin, to approve the minutes of January 7, 2010. Vote: 4-0.

**Adjourn**

Motion by Mr. Weinberg, second by Mr. Hobin, to adjourn the meeting at 8:20. Vote: 4-0.