

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission

Patrick Flynn, Chair
Donald Murphy, Vice-Chair
Kevin Bears
Heather Charles Lis
Diane Francis
Gail Poliner-Feldman
Alan Weinberg

Staff: Kelly Phelan

**CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, JULY 2, 2015**

APPROVED

Present: Patrick Flynn, Chair * arrived at point indicated; Kevin Bears, Heather Charles Lis, Gail Feldman, Diane Francis Alan Weinberg & Kelly Phelan, Staff

Absent: Donald (Gus) Murphy, Vice Chair

Mr. Weinberg chaired the meeting until Mr. Flynn arrived.

**Request for Certificate of Compliance
118 Howie Rd./Johnson**

This item was taken out of order at request of staff.

Staff said there was an outstanding Order of Conditions for vegetation removal at 118 Howie Rd. Rick Johnson was trying to close on the property and requested a Certificate of Compliance be issued. Staff reviewed the file and visited the property. She noted it was heavily vegetated along the brook and beyond and recommended the Commission issue the Certificate of Compliance.

Motion by Ms. Francis, second by Ms. Feldman, to issue the Certificate of Compliance for 8-514. Vote: 5-0.

Public Hearings

**Request for Determination of Applicability
85 Oregon Ave./Quan**

Donald Quinn from Crystal Pools was present. Mr. Quan wants to install an above-ground pool. He has a limited area to work with because of the floodplain. Mr. Quinn explained that it would be a 10 foot wide by 20 foot long pool.

Mr. Weinberg and Ms. Francis asked if there would be concrete apron around the pool. Mr. Quinn said there would not, the pool would be in a track and would be a galvanized steel above ground pool.

Ms. Feldman noted that staff had drafted several conditions because of the possibility of encroaching into the floodplain. Mr. Weinberg said he would like to hear from the owner in writing that he accepts the conditions.

Ms. Charles Lis asked why the pool couldn't be closer to the house. Staff said there are retaining walls and limited between the house and the yard area.

Motion by Ms. Feldman, second by Ms. Francis, to issue a negative Determination of Applicability with conditions based upon acceptance in writing by the owner.

Mr. Weinberg raised discussion points. He asked if there would be tree removal. Staff said it was lawn area. He also noted that the Farm River is part of the drinking water supply. Staff said the Farm River is several hundred feet away and its floodplain extends out.

Mr. Flynn arrived at this point and began chairing the meeting.

Mr. Weinberg asked about winterizing pool and dewatering the pool. Mr. Quinn said they just lower the water level and cover the pool. He also said the same truck which fills the pool can remove the water if needed.

Mr. Weinberg stated his preference to keep the public hearing open in case Mr. Quan wants to discuss the conditions. Ms. Charles Lis suggested the Commission vote and sign the decision but staff not release the decision until Mr. Quan provides written agreement to the conditions.

Ms. Feldman said she would amend her motion based on Ms. Charles Lis suggestion. Ms. Charles Lis amended the motion to issue the negative Determination of Applicability for 85 Oregon Ave. subject to receipt by staff of agreement to the conditions and the addition of a condition requiring salt storage in a secure location. Ms. Feldman seconded the motion. Vote: 6-0.

Notice of Intent
8-631 100 River St./Gabriel

Neither the applicant nor his representative were in attendance. Motion by Mr. Weinberg, second by Ms. Francis, to continue the hearing to the August 6th meeting. Vote: 6-0.

Other Business

Enforcement Order- 66 Wayne Avenue

Staff said the owner of 66 Wayne Avenue brought fill into the site for the third time. The property is in the floodplain and contains wetlands and buffer zone to wetlands associated with the stream that flows out of Sunset Lake to the Monatiquot River. The first two times the owner brought fill in, staff had him remove it. Since he continues to try to bring fill in staff issued an Enforcement Order directing him to hire a wetland scientist to prepare a restoration plan by June 26th. Staff recommended the Commission vote to ratify the Enforcement Order.

Motion by Mr. Weinberg, second by Ms. Charles Lis, to ratify the Enforcement Order.
Vote; 6-0.

Staff noted that the deadline for the restoration plan passed and nothing was received. She begin issuing daily fines for each day the situation remains unresolved. Mr. Weinberg suggested a police officer deliver the fine ticket. Staff suggested a constable.

Motion by Mr. Weinberg, second by Mr. Bears, to continue the Enforcement Order to the August 6th meeting. Vote: 6-0.

Open Space Area Brochure

Mr. Flynn asked if anyone had worked on the project to write up each conservation area. Mr. Bears said he had started and had a format of synopsis, history and location/access/usage. Ms. Francis and Ms. Feldman also wrote up the Town Forest and Pond Meadow Park, respectively.

Mr. Flynn suggested staff come up with a template for the next meeting and suggested Mr. Bears' outline be used for consistency of style. Staff will scan the open space plan and put it online and send a link to the Commission as there is information on these areas and natural resource inventories in the plan.

Potential Conservation Land Acquisition- Taber Court

Mr. Weinberg still plans to ask Mr. Quirk if he will consider donating the Taber Court parcel for conservation.

White's Hill Land

Mr. Bears shared the conceptual neighborhood path on his civic association webpage. He said he did not receive much feedback other than that people are happy the land is conserved.

Staff will look into options for marking the layout and confirm the status of the right of way.

Fall Trail Walk

Mr. Bears would like to schedule a fall hike at Cranberry Pond Area or Town Forest in October. Cranberry Pond Area has limited parking and a shuttle would be necessary to bring people to the trailhead.

The Commission agreed that a fall hike would be a good activity. October 24th was chosen as the date. Mr. Bears will work with Mr. Weinberg and staff to coordinate the details.

Plant Monitoring Update – 177 Commercial St.

Staff provided the report for the Commission's interest, noting the discussion held with the builder in the fall. At that time Mr. O'Leary requested the guarantee be released but the Commission stressed the importance of watering and maintenance in the first year.

Approval of Minutes – June 4, 2015

Motion by Mr. Weinberg, second by Ms. Francis, to accept the June 4 minutes. Vote: 6-0.

Adjourn

Motion by Mr. Weinberg, second by Ms. Charles Lis to adjourn the meeting at 8:55 pm. Vote: 6-0.