



Mayor Joseph C. Sullivan

Department of Planning and Community Development

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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 MINUTES THURSDAY, JUNE 2, 2016 7PM TOWN HALL- JOHNSON CHAMBERS

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

Absent: Donald (Gus) Murphy, Vice Chair

Public Hearings

APPROVED

Notice of Intent

8-639 Eaton's Pond/Planning & Community Development

Staff prepared draft conditions for the Commission's consideration. Mr. Bears asked about the time frame for treatment as well as signage and restrictions. Staff said they hope to treat by mid-June before the plants grow larger. Solitude Lake Management will post signs around the pond on the day of treatment with information to include the restrictions (on drinking and irrigation).

Motion by Mr. Bears, second by Mr. Weinberg, to issue the Order of Conditions with the conditions as drafted. Vote: 5-0.

Request for Determination of Applicability

Fore River Railroad Right of Way/Fair Dermody Consulting Engineers

Kyle Fair from Fair Dermody Consulting Engineers was present. Mr. Fair said that they filed for review of the delineation along the railroad Right of Way (ROW). The purpose is to keep the ROW weed free for safety. Herbicide application along ROWs is regulated under the ROW Management Regulations. Mr. Fair presented maps of the Right of Way and noted that the yellow zones indicate areas within 10 feet of sensitive areas; these are areas where no herbicide application will take place. The blue areas are areas within 100 feet of sensitive areas; along these areas only materials from the Dept. of Agricultural Resources sensitive materials list may be used.

Mr. Flynn asked if they use glyphosate herbicide. Mr. Fair said they use aquatic formulations of glyphosate such as AquaNeat.

Mr. Weinberg asked if they remove any debris they may find along the way. Mr. Fair said he doesn't work for the railroad and can't speak to their maintenance practices. Mr. Weinberg asked if they would notify the railroad if they see debris. Mr. Fair said that his firm does not apply the herbicide. Mr. Flynn asked who does the herbicide application. Mr. Fair said they use a company out of Westfield called RWC.

Staff said she walked the ROW with the applicant the last time they filed in 2011. Mr. Fair said the walk is time intensive and they would rather not do it again because it is a static environment around the rail ballast and not likely to change. Staff suggested forgoing the walk this time but doing it the next time.

Mr. Weinberg asked about limiting factors to herbicide application such as wind. Mr. Fair said the materials on the sensitive materials list are diluted to the minimum effective amount. They avoid application in rain to prevent further dilution. He said none of the materials are restricted by wind speed.

Mr. Weinberg asked if the Town could be notified the day before herbicide application. Mr. Fair said it is based on daily railroad operations and it would be arduous to get that specific.

*Ms. Charles Lis arrived.

Motion by Mr. Weinberg, second by Mr. Bears, to issue a negative Determination of Applicability for Fore River Railroad Right of Way. Vote: 5-0. (Ms. Charles Lis abstained.)

Motion by Mr. Weinberg, second by Mr. Bears, to close the hearing for the Fore River Railroad Right of Way. Vote: 6-0.

**Request for Determination of Applicability
Commuter Rail Right of Ways (Greenbush, Middleboro, Plymouth)/Fair Dermody
Consulting Engineers**

Kyle Fair from Fair Dermody Consulting Engineers was present. Mr. Fair noted that the process was the same as for the Fore River Railroad Right of Way and presented the maps for the commuter rail Right of Ways.

Motion by Ms. Francis, second by Mr. Bears, to issue a negative Determination of Applicability for the commuter rail Right of Ways. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Bears, to close the hearing for the commuter rail Right of Ways. Vote: 6-0.

Notice of Intent
8-640 Great Pond Dam/Tri Town Board of Water Commissioners

Staff noted that the applicant had requested the hearing be continued to the June 30th meeting.

Motion by Mr. Weinberg, second by Mr. Bears, to continue the hearing to the June 30th meeting.
Vote: 6-0.

Other Business

Enforcement- Allen Street

Staff noted that the owner of 94 Allen St. had installed a vehicle lift outside. The site is next to the river. She directed him to either remove it or file a Notice of Intent to keep if he can provide pollution containment such as an oil/water separator. He is looking into his options and will make a decision by the end of the month.

Certificate of Compliance – 8-428 Eaton’s Pond Weed Treatment

Staff recommended closing out the old Order of Conditions for Eaton’s Pond weed treatment.

Motion by Ms. Francis, second by Ms. Charles Lis, to issue a Certificate of Compliance for 8-428.
Vote: 6-0.

Approval of Minutes – May 5, 2016

Motion by Mr. Bears, second by Mr. Murphy, to approve the minutes of April 5. Vote: 6-0.

Executive Session

Mr. Flynn stated that discussion in open meeting might have a detrimental effect on the negotiating position of the town relative to the purchase of property, therefore he requested the Commission enter into executive session to consider the purchase, exchange, lease, or value of real property.

A rollcall vote was taken to enter into Executive Session: Mr. Bears- yes, Mr. Weinberg- yes, Mr. Flynn – yes, Ms. Feldman- yes, Ms. Charles Lis- yes, Ms. Francis- yes.

At the end of the discussion in executive session, the committee returned to open session. Mr. Weinberg noted that no votes were taken in executive session.

Adjourn

At 7:45 pm motion by Ms. Francis, second by Ms. Charles Lis, to adjourn the meeting. Vote: 6-0.