

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, MAY 1, 2014

APPROVED

Present: Gus Murphy, Vice Chair; Matthew Hobin, Daniel McMorrow Alan Weinberg & Kelly Phelan, Staff

Absent: Patrick Flynn, Chair; Diane Francis, Gail Feldman

Public Hearings

Notice of Intent

8-626 Staten Road & Dickerman Lane/Braintree Department of Public Works

Phil Paradis, Professional Engineer with BETA Group, was present with John Morse, Assistant Town Engineer.

Mr. Paradis said the Town Engineer had provided a letter to address the Commission's concern about downstream flooding. He noted that the channel is constrained and that the flooding problem is due to a lack of capacity in the channel. However, the channel is on private land and there is limited opportunity or funding to improve that. What they can improve is the culverts.

Mr. Weinberg said he is pleased they are trying to alleviate the flooding problem. He asked if they had run pre and post construction calculations to demonstrate that there would not be an increase in flooding downstream. Mr. Paradis said they had done calculations as part of the study prior to the detention basin being constructed but they hadn't updated the calculations. He said they were hesitant to spend the money to update the calculations as they expect a similar result. He said the intent of the project is to prevent clogging of the culverts.

Staff said most of the issues she originally raised had been addressed. The concern about downstream impacts was addressed by the Town Engineer's letter. She said the concern about dewatering would be addressed in the conditions. She said she would condition that the Commission/agent approve the dewatering plan and that the measures be in place before the utility work starts.

Mr. Murphy asked for public comment. There was none.

Motion by Mr. Weinberg, second by Mr. McMorrow, to continue the hearing to the next meeting (May 29th) for draft conditions. Vote: 4-0.

**Request for Determination of Applicability
131 Messina Woods Drive/Kidd**

Matthew Kidd was present with Stacey Minehan, wetland scientist. Mr. Kidd said they had filed a Request for Determination of Applicability for construction of an in-ground pool, hot tub, landscaping etc. Ms. Minehan said there was an intermittent stream present at the base of a steep slope. She said the work area is existing lawn area and pointed it out on the aerial photo filed with the application.

Mr. Weinberg said he was concerned about the bank of the stream. Ms. Minehan said they would not impact the bank as the proposed fence would be installed at the top of the slope, not at the bank.

Mr. Weinberg asked if they had a plan showing the pool location. Ms. Minehan said not yet. Mr. Weinberg said he would like staff to meet with the contractor. Staff said she could meet with the contractor when she makes the site visit to verify erosion control installation.

Mr. Murphy said they may not drain the pool to the wetland and asked where chemicals would be stored. Mr. Kidd said in an existing shed near the house.

Mr. Murphy asked for public comment. There was none.

Motion by Mr. Weinberg, second by Mr. Hobin, to issue a negative Determination with conditions as drafted. Vote: 4-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to close the public hearing for 131 Messina Woods Drive. Vote: 4-0.

**Request for Determination of Applicability
Edgehill Rd./Town of Braintree**

Nelson Chin, Recreation Director was present. Mr. Chin said they would like to continue the walking path from Smith Beach to Edgehill Rd. He said they want to encourage people who are visiting the splash pad to park at the lot at Smith Beach and walk over on the Toland Walkway. A plan depicting the layout was included in the application.

Mr. Weinberg asked if dogs are allowed on the path. Mr. Chin said technically no but a lot of people walk dogs there. Mr. Weinberg suggested installing a bag dispenser to encourage people to pick up and dispose of dog waste. Mr. Chin said they would consider that and noted the large goose population also creates a waste problem.

Mr. Murphy asked for public comment. Dave Oliva from the East Braintree Civic Association said he is in support of the proposal. He said there used to be a dog bag station which was used a lot but it is no longer there.

Motion by Mr. Hobin, second by Mr. Weinberg, to issue the negative Determination of Applicability with conditions as drafted. Vote: 4-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to close the public hearing for Edgehill Rd. Vote: 4-0.

**Request for Determination of Applicability
Grove St. Substation/Braintree Electric Light Department**

Sean Murphy from Braintree Electric Light was present. Mr. Murphy explained that they need to add ground grid to the substation at Grove St. This involves adding bare wire conductors 18" below grade and ground rods several feet into the ground. This is a safe guard for electric stations to prevent electrocution risk. They need to do this both outside and inside the fence. Outside the fence they will excavate by hand since it is close to the wetland. Inside the fence they will use a small excavator.

Motion by Mr. Weinberg, second by Mr. McMorrow, to issue a negative Determination of Applicability with conditions as drafted. Vote: 4-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to close the public hearing for Grove St. substation. Vote: 4-0.

**Request for Determination of Applicability
63 Water St./Keegan**

William Keegan from 63 Water St. was present. Mr. Keegan said he would like to install an in-ground pool in his yard. The area is within 100 feet of wetlands behind the yard. He said there is a stone wall and berm separating his yard from the wetlands and access for construction would be through his driveway.

Mr. Weinberg asked how far from the wetlands this would be. Mr. Keegan said over 50 feet.

Motion by Mr. Weinberg, second by Mr. Hobin, to issue a negative Determination with conditions as drafted. Vote: 4-0.

Motion by Mr. Weinberg, second by Mr. Hobin, to close the public hearing for 63 Water St. Vote: 4-0.

Other Business

Discussion on 530 West St.

Greg St. Louis from Beals Associates, Inc. was present. Mr. St. Louis said that the potential purchaser of 530 West St., CNSR, LLC was interested in dividing the 19 acre parcel into a 12 acre piece and a 7 acre piece. They would like to donate the 7 acre piece to the Town for conservation.

Mr. St. Louis reviewed history of the property. Contamination from heavy metals was found in 1999 and remediated in 2000. In 2002, the Town and Conservation Commission accepted a landlocked

parcel at the rear of this property. The 7 acres proposed to be donated would provide access to the landlocked parcel.

Mr. St. Louis said they were looking for a preliminary opinion to see if the Commission is interested. If so they will do an ANR plan to divide the property.

Mr. Weinberg said there was a legal question because of the contamination history. He said the Town doesn't want the liability for that. He noted the staff report which indicates that monitoring every five years is required.

Mr. St. Louis said that part of the Response Action Outcome is that Textron is the responsible party. Staff said that they have been doing the five year monitoring. Mr. St. Louis said they excavated two areas in 2000 to remove contaminated soil but the cost-benefit ratio for removing soil from the rest of the site is not beneficial. Also it would involve significant disturbance to the wetlands.

Mr. Murphy said an opinion from Town Counsel was needed to determine if the Town would be accepting liability if they accepted the land. Staff agreed.

Motion by Mr. Weinberg, second by Mr. Hobin, to get an opinion from Town Counsel and contact DEP's legal counsel to get their opinion. Vote: 3-1 with Mr. Morrow opposed.

After discussion on the necessity to ask for the state's opinion, Mr. Louis offered that his firm would get an opinion from DEP for the Commission.

Motion by Mr. McMorrow, second by Mr. Hobin, to solicit the opinion of the Town legal department on whether they would like to accept the land. Vote: 4-0.

Discussion with Robert Kearns

Robert Kearns was present per the Commission's request to have him attend the meeting so they could recognize him for organizing the river clean-up.

Mr. Kearns said the clean-up was supported by Fore River Watershed Association, Sustainable Braintree, the Town of Braintree, and Messina Enterprises. He said close to a hundred people volunteered and they removed significant amounts of trash from the river and along the banks of the river.

Mr. Kearns noted the need for ongoing maintenance and trash from the business parking lots has already blown back onto the banks. Staff suggested the Commission ask Messina Enterprises to attend the next meeting and discuss a maintenance plan for their properties which abut the river. Mr. Murphy asked that be added to the agenda for the next meeting.

Mr. Kearns also said he contacted the MBTA about graffiti on the railroad bridge and asked that they remove it. He asked if the Town could also request this be done. Mr. Murphy suggested asking the MBTA send someone to the meeting as well.

Mr. Kearns also asked if there would be signage connecting the Toland Walkway to Smelt Brook and the Weymouth canoe launch. Staff said she was working on coordinating this with Weymouth.

Mr. Kearns also mentioned Eaton's Pond area and said he felt that there should be access from Ross School. He said the access from Morrison School to Pond Meadow works well. He said increasing access would reduce the problems with people setting up camps on the land.

Dave Oliva from East Braintree Civic Association said he wanted to acknowledge Mr. Kearns's work. He also said Association would support his efforts as much as possible. Staff said having the public support to improve river access and restore fisheries was critical.

Dorothy White and Mike Lang from East Braintree Civic were also present and agreed that they would support the efforts.

The Commission thanked Mr. Kearns for his work and encouraged him to continue it.

Discussion with Conservation Ranger

Eric Devlin was present to give the Commission an update. He said that since November he has been focusing on the three main conservation areas, Cranberry Pond, South St. and Eaton's Pond. He said there are issues at all three with litter but Eaton's Pond is by far the worst. He has worked with the Police Dept. to address the people living at Eaton's Pond and noted they had latrine buckets left behind as well as all the tents and debris. He said he agreed with Mr. Kearns that access should be encouraged in order to discourage the illicit use of the area.

Note: Mr. Murphy had to leave the meeting.

The remaining members thanked Mr. Devlin for coming in and for his work.

Adjourn

The meeting was adjourned at 8:23 pm.