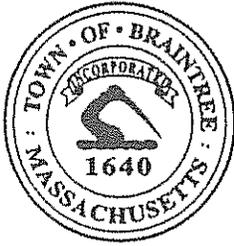


Department of Planning and Community Development

90 Pond Street
Braintree, MA 02184
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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 20, 2010

Members Present: Patrick Flynn, Chair
Diane Francis
Matt Hobin* (*arrived at point indicated*)
Gus Murphy
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

8-548 Request to Amend Order of Conditions / 400 Mahar Highway/Pulte

Michael Rosati, of Marchionda Associates and Mark Mastroianni from Pulte Braintree LLC were present.

Staff prepared draft conditions which incorporate the drainage improvement work behind Sagamore St and presented at the previous meeting. The drainage work and soil analysis for the recharge system are to be done within 30 days from the start of the project and erosion control will be installed at the 25 foot buffer rather than the wetland edge.

Mr. Mastroianni noted that he had reviewed and commented on the conditions and was pleased with them.

Ms. Francis said she was pleased with the proposal and hope they follow through and that the work helps alleviate the abutters drainage problems.

Mr. Weinberg said he was pleased with the proposal because it increases open space and tree planting and that it is an improvement over the previous proposal.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue the amended Order with the conditions as drafted for 8-548. Vote: 4-0.

Request for Determination of Applicability – 1096 Liberty St./Sanfilippo

Joseph Sanfilippo was present.

Staff said she conferred with the Town Engineer, Bob Campbell, and reviewed the old plan which proposed lining the stream channel with stones. Mr. Campbell suggested that the stones would be uncovered during excavation and would indicate the level to which fill was placed. Staff revised the conditions to include her presence at the time of excavation.

Ms. Francis said she likes that the stream will be restored to its previous condition.

Mr. Weinberg said it is a restoration project and he is pleased that staff will be present.

Motion by Ms. Francis, second by Mr. Murphy, to issue a negative Determination of Applicability with conditions as drafted. Vote 4-0.

Request for Determination of Applicability – 296-302 Commercial St./ Braintree Gardens

Moira Reardon from Braintree Gardens Condo Board was present.

Staff explained their proposal to create a dog walking area. The area is currently partly landscaped and mulched and partly natural vegetation. It is about 65-70 feet from the Monatiquot river. They propose to fence an area 58 feet long by 24 feet wide at one end and 14 feet wide at the other end for a dog park area.

Mr. Flynn asked about plans for dealing with pet waste. Mr. Reardon said the dumpster is right next to the area and that residents will have to pick up waste and put it in the dumpster. She said they will be fined by the board if they don't do that. She also said they will use an eco-friendly disinfectant periodically.

Mr. Weinberg suggested they put a sign out that people must pick up waste and provide bags from a bag dispenser.

Motion by Mr. Murphy, second by Mr. Weinberg, to issue a negative Determination with conditions that erosion control be installed before construction. Vote: 4-0.

* Mr. Hobin arrived.

8- 601 Notice of Intent 2 Garden Park/McGourty

Mr. McGourty was not present. Hearing continued to next meeting.

8-578 Request to Amend Order of Conditions – Oregon Ave./McGrath & lot owners

David Mackwell, Kelly Engineering Group, was present with Jamie McGrath, developer of the Oregon Ave subdivision. Mr. Mackwell said the entire subdivision was done under one Order and the lots were sold individually.

This application concerns three lots (lots 4, 5 and 6). During construction on lot 4, the contractor filled in the floodplain and built the retaining wall in the wrong place. The contractor removed as much fill as possible but couldn't remove it all. They are requesting permission to compensate for this fill on lot 6. An area of floodplain on Lot 6 is proposed to be lowered to create compensatory flood storage.

Staff recommends that unapproved areas of disturbance in the floodplain and buffer zone be restored by allowing them to revegetate.

Mr. Flynn said he wants to see the site and that compensatory storage area on lot 6 is very close to the house.

Mr. Weinberg said they are trying to remedy a bad situation and he is concerned that the amended Order be recorded.

Dawn Hamel from 32 Oregon Ave. said she and her mother Mary Hamel (also present) live on the property abutting this project. They are concerned about flooding. She said the property can't sustain this much development, there has been lots of filling and there are serious issues with water runoff. She brought pictures showing flooding in her yard during the March storms and said it had never flooded before.

Mr. Flynn said they would look at that during the site visit.

Mr. Weinberg said to Mr. McGrath that the contractor who did the filling should be legally responsible. Mr. McGrath said he had someone remove the fill.

Motion by Mr. Weinberg, second by Ms. Francis, to continue the hearing for 8-578 to June 3rd. Vote: 5-0.

Other Business

8-574 Request to Amend Order of Conditions - 76A Armstrong Circle/Elkhoury

Staff explained that the homeowners were issued an Order of Conditions for an addition three years ago. They decided not to build the addition and instead to increase the length of their driveway in the location which was to be the addition. Rather than filing a new permit staff advised them to come to the Commission to amend the Order.

The homeowner, Mr. Elkhoury, was present with his unidentified associate who presented the sketch for the driveway.

Staff said the driveway was in the buffer zone and that the conditions which required erosion control and notification of staff will apply.

Mr. Weinberg said the driveway will need to be shown on the as built plan.

Motion by Mr. Weinberg, second by Mr. Murphy to amend the 8- 574 Order for a driveway instead of the addition. Vote: 5-0.

Discussion - 79 Canavan Drive/Zechello

Kristen Zechello and her husband were present. Ms. Zechello said they are considering purchasing a house at 79 Canavan Drive and want to get a sense of whether the Commission would permit a pool to be built in the 25 foot no disturb buffer. They don't want to buy the house if they won't be able to put the pool in. Ms. Zechello said they have been looking for several years for the right property for their family, including their disabled son.

Mr. Weinberg said he is familiar with the area and that there is a lot of ledge. He said he was concerned they would have to blast and that would be expensive.

Mr. Hobin clarified that the pool would be within the 25 foot buffer. Ms. Zechello said yes, that their pool contractor had looked at it.

Mr. Flynn said the process allows for this type of activity with conditions. He said the Commission would be receptive to them coming forward with an application but can't make any promises.

Mr. Weinberg said a public hearing would be required to change the 25 foot no disturb buffer if it was included in the Order for the lot and that needing a pool for a disabled child might be considered a hardship. Mr. Weinberg also suggested that join the Y and use the pool there instead.

Ms. Zechello sketched the lot on the chalkboard and depicted a lawn area and a steep slope. Mr. Flynn asked why they didn't want to put the pool in the lawn area. Ms. Zechello said they also wanted a lawn and that the pool contractor thought the best way to site the pool was to drop it into the area at the bottom of the slope.

Mr. Flynn said they would work with them but they would have to show why there aren't alternatives to using the buffer zone. Staff suggested that an engineer might be able to site the pool in a way that would minimize disturbance of the buffer.

8-474 Request for Extension Permit - Buker Corner Estates/Preston

Norman Preston, the developer of this subdivision was present. Mr. Preston said there is a lot of rock on the site and a depressed market. He said two lots remain out of the six lot subdivision and the stream crossing and detention basin are done. The remaining work in the 100 foot buffer zone is grading. Mr. Preston requested a three year extension because of the housing market.

Staff said she had done a site visit. The stream crossing is done, the site is stable and the erosion control is in place.

Mr. Weinberg said he would prefer to see Mr. Preston again in a year.

Mr. Murphy asked Mr. Preston if he needed three years. Mr. Preston said ye. Mr. Murphy said he didn't see a problem with a three year extension.

Motion by Mr. Murphy, second by Mr. Hobin, to issue a three year extension for 8-474. Vote: 5-0.

Mr. Weinberg suggested Mr. Preston donate this land to the town for conservation and said it would be an excellent tax break and that the land abuts Pond Meadow Park.

Sunset Lake 319 Grant Application

Staff said she had finalized the budget for the 319 grant application for stormwater improvements at Sunset Lake. The Town's cash match is \$52,000 but she asked the Commission to agree to up to \$60,000 in case the construction quotes come in higher.

Motion by Mr. Murphy, second by Mr. Hobin, to fund the match for the 319 grant up to \$60,000. Vote: 5-0.

Land on Oakden

Staff said she had received a call from a resident asking if the Commission was going to pursue acquisition of a parcel of land on the corner of Oakden and Liberty which is for sale. It is across the street from the town forest and is about 3 acres.

Mr. Flynn suggested that they look at it after the site visit to Oregon Ave.

Minutes of May 6, 2010

Motion by Mr. Murphy, second by Mr. Weinberg, to accept the minutes of May 6, 2010. Vote: 5-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Murphy, to adjourn the meeting at 8:37 PM. Vote: 5-0.