

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 MINUTES THURSDAY, MAY 5, 2016 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Patrick Flynn, Chair; Donald (Gus) Murphy, Vice Chair Kevin Bears, Heather Charles Lis, Gail Feldman Diane Francis & Kelly Phelan, Staff

Absent: Alan Weinberg

Public Hearings

Notice of Intent

8-637 39 Hayward St./McGourty Realty Series, LLC

Brian McGourty was present.

Staff said they received the replication plan but it was not sufficient. It is not based on existing conditions and does not include topography, grades, groundwater elevation, etc. She prepared draft conditions and included a condition that a detailed replication plan be provided.

Mr. McGourty said he wanted to talk the Commission about the wetland replication plan. He said that his wetland scientist told him there was a huge difference between making an isolated wetland versus a connected wetland. He said the success rate is not good and there is a cost of \$8000-\$9000. He gave members photos of the altered wetland area in 2004 and photos of it now. He said he shouldn't be required to create an isolated wetland just because the adjacent property owner got permission to fill their wetland which cut off his wetland.

Ms. Charles Lis said she understood it was not a pristine wetland when he purchased the property in 2004 but it was flagged as a wetland. She said she did not see a reason why the cost of creating an isolated wetland would be higher. Mr. McGourty said it was because soil sampling was required.

Mr. Murphy asked who made the determination about the wetland on the adjacent Temple property. Staff said it was approved by the Commission as part of the project. They filled an area to make the site work and did a wetland replication to compensate for that fill in another area of the property.

Ms. Charles Lis said it still would have been a wetland on Mr. McGourty's property even if it did become isolated due the Temple's project.

Staff said creating an isolated wetland is the same process as creating a connected wetland. It involves excavating to groundwater and ensuring appropriate soil and plantings. Mr. McGourty said the groundwater is too deep. Ms. Charles Lis said his engineer stated at the last meeting that groundwater was 2-4 feet below the surface.

Mr. Murphy asked Mr. McGourty what he could offer as an alternative. Mr. McGourty said he had offered \$1600. Mr. Bears said the wetland behind Ross School could be an area to enhance. Staff said \$1600 would not go far in a wetland replication project. Mr. McGourty offered \$2000. Mr. Flynn said \$2400 would be acceptable. Ms. Charles Lis said that while she is interested in a positive outcome the regulations don't allow for paying into a fund instead of doing wetland replication. Ms. Feldman said it is a unique situation.

Motion by Mr. Murphy, second by Ms. Feldman, to accept the \$2400 contribution to the tree fund. Vote: 5-1 (Ms. Charles Lis opposed).

Staff said Mr. Weinberg had requested conditions be added to the draft conditions to include snow storage and fenced dumpsters. She read the standard conditions on these two items.

Motion by Mr. Murphy, second by Mr. Bears, to amend the conditions to delete the replication conditions and add the snow storage and dumpster conditions. Vote: 5-1 (Ms. Charles Lis opposed).

Motion by Mr. Murphy, second by Mr. Bears, to close the public hearing for 8-637. Vote: 6-0.

Notice of Intent

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

Staff said the pond has been treated in the past. An Order of Conditions permitting herbicide treatment was issued in 1995 and was extended several times but conditions should be updated to reflect current practices. The Department is working with a consultant, Solitude Lake Management. They did an assessment of the pond in 2015 (under name Aquatic Control Technology) and have been involved in monitoring and treatment for both Eaton's Pond and Sunset Lake for many years.

Colin Gosselin from Solitude Lake Management was present. He said Eaton's Pond is approximately 5 acres and has dense coverage of variable watermilfoil. They propose herbicide treatment with diquat. In the future the herbicide triclopyr could be used once initial reduction in

the population is achieved. Diquat is a contact herbicide while triclopyr is systemic and is better to use early in the season. It may be used for maintenance treatment in the future.

Mr. Flynn asked how the watermilfoil got in the lake. Mr. Gosselin said it is usually spread by boats.

Ms. Feldman asked what wildlife use the pond. Mr. Gosselin said ducks, gulls and bluegills. He said it is a healthy pond. Mr. Flynn said he believed it was eutrophic to point of becoming oxygen depleted. Mr. Gosselin said there is a lot of plant biomass and that can be a problem. He said there is accumulated sediment and a lot of nitrogen. He hasn't seen the pond in about 5 years. One of the other biologists did the survey last year.

Ms. Feldman asked what the advantage of the treatment is. Mr. Gosselin said it will benefit recreation and habitat. He said the pond is choked with plants.

Ms. Feldman asked if it was the right time of year to treat. Mr. Gosselin said it is good to do it early in the season when the plants are still small but actively growing. Treating in May or June is best.

Mr. Flynn asked if there will be a noticeable or sudden dieback. Mr. Gosselin said it is a slow process as the plants become brown and break down.

Mr. Flynn asked about potential for a drop in dissolved oxygen as the plants start dying. Mr. Gosselin said if 100% covered they would not treat the entire pond at once.

Ms. Charles Lis asked how they would avoid non-target, native plants. Mr. Gosselin said the pond is mostly invasives.

Ms. Charles Lis asked about other options such as mechanical harvesting. She said herbicides should be used as a last resort. Mr. Gosselin said mechanical methods are like mowing a lawn. They have to be done 4-5 times a year and the fragments from milfoil can spread. Ms. Charles Lis asked about the potential for an initial harvest followed by herbicide. Mr. Gosselin said the fragmentation would make it not worthwhile.

Ms. Charles Lis asked how persistent the herbicides are. Mr. Gosselin said that triclopyr can stay in the water for 90-100 days so there is an irrigation restriction. Diquat binds to the soil and becomes inactive very quickly.

Ms. Charles Lis asked how the herbicide application was done. Mr. Gosselin said from a small boat. They will post signs around the pond on the day of treatment.

Motion by Mr. Murphy, second by Ms. Francis, to move to draft condition for 8-639 for the next meeting. Vote: 6-0.

Motion by Mr. Murphy, second by Ms. Feldman, to continue the hearing to the June 2 meeting. Vote: 6-0.

Ms. Charles Lis asked what type of recreation the pond is used for. Mr. Murphy said fishing and boating. Members discussed the recreational use of the pond and the fact that it is partially owned by Skyline Village. Mr. Murphy suggested inviting the management to a meeting to discuss the pond.

Motion by Mr. Murphy, second by Ms. Charles Lis, to contact Skyline management to come to a conservation meeting. Vote: 6-0.

Other Business

Beautification Day - May 7

Clean-up sites include the Monatiquot River area behind Shaw's. Also, Brad Chase from Marine Fisheries will be attending.

Eaton's Pond Area

Staff received an email complaint about people disturbing Canada geese and their eggs. Mr. Murphy said the environmental police can help. He discussed the goose hunt organized several years ago to deal with the population at the municipal golf course.

Grant Awards

Staff will be working on two grant projects which were recently awarded. One is a Mass Bays grant for background work toward Armstrong Dam removal and river herring restoration. The other is from the regional planning council (MAPC) for a climate change vulnerability assessment.

Potential Invasive Removal Project

Staff said there are many invasive species along the walkway from Smith Beach to Watson Park and wondered if it would be practical to take on an invasive removal project. Volunteers could help pull garlic mustard or cut back bittersweet.

Mr. Bears suggested incorporating it into next year's beautification day.

Ms. Charles Lis said some town's hire contractors to do resource management. Discussion on the limited staff available for natural resource management in the Town ensued.

Open Space Plan Update

While moving forward on walks and other activities, the actual update of the plan and public involvement in the process is needed. The plan expires in September. There are competing priorities including the zoning bylaw update which is underway as well as several development proposals under opposition. The plan may have to wait until the fall.

Other

None

Approval of Minutes – April 7, 2016

Motion by Mr. Bears, second by Mr. Murphy, to approve the minutes of April 7. Vote: 6-0.

Executive Session

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

Moved by Mr. Bears, seconded by Mr. Murphy, to enter into Executive Session.

Rollcall vote: Mr. Bears- yes, Mr. Murphy- 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.

Adjourn

At 8:40 pm motion by Ms. Feldman, second by Mr. Murphy, to adjourn the meeting. Vote: 6-0.