

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, NOVEMBER 7, 2013

Present: Patrick Flynn, Chair; Gail Feldman, Daniel McMorrow, Gus Murphy, Alan Weinberg & Kelly Phelan, Staff

Absent: Diane Francis, Matthew Hobin

APPROVED

Public Hearings

Notice of Intent DEP File #8-623 (Continued from October 3rd hearing) Route 3/MA Department of Transportation

Alex Murray, project manager from MA Department of Transportation was present with Linda Smith, District 6 Environmental Engineer.

Staff said that since the last hearing, she and the Town Engineer had met with Linda Smith to discuss the maintenance of the drainage channel parallel to the Rt. 3 southbound entrance ramp. [The Town Engineer had requested it be dredged and this was included in the draft conditions.] The outcome of that meeting was that the dredging would be considered a maintenance activity and not included in the Order of Conditions.

Staff said that another outstanding issue from the October 3rd hearing had to do with the as-built process. MA DOT had said they do not provide as-built plans, nor could they provide a substantial compliance statement from an engineer. During the drainage channel maintenance meeting MA DOT agreed to provide "red-line" plans to document as-built conditions as well as a substantial compliance statement. The last outstanding issue was that MA DOT said they could not record the Order. Staff requested Town Counsel's opinion on that and has not received a response.

Staff amended the draft conditions to reflect the changes which were agreed upon.

Motion by Mr. Weinberg, second by Ms. Feldman, to issue the Order of Conditions for 8-623 as drafted. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing for 8-623. Vote: 5-0.

Request for Determination of Applicability for 85 Oregon Ave./Tran Trust, Quan L. Tran Trustee & Update on Amended Order of Conditions 8-578 Lot 4 [85 Oregon Ave. & Lot 6 80 Oregon Ave.]

Erynn Marshall from Oxbow Associates was present on behalf of Quan Tran. The RDA proposal is for a sunroom addition to an existing house.

Ms. Marshall explained that they had provided an as-built for the house at 80 Oregon Ave. (Lot 6) which was constructed under Order of Conditions 8-578. The as-built revealed that the compensatory flood storage required to be created on Lot 6 for fill on Lot 4 (Mr. Tran's lot) was not fully created. There is an outstanding 2.2 cubic yards of fill which need to be compensated for. In order to move forward with the sunroom, Mr. Quan, will remove the 2.2 cubic yards of material to create the necessary flood storage on his lot, (Lot 4). Ms. Marshall said the storage was within the same increments as the fill - between elevations 103 and 105 and part of the same floodplain.

Ms. Marshall added that the boundary markers at the 25 foot no-disturb line were installed and the area beyond them which had been mowed had been allowed to naturalize.

Ms. Marshall moved on to the sunroom proposal. The proposal is for a 10 x 12 sunroom addition on five sono tubes. It will be located in an area that is existing lawn and outside of the floodplain and 25 foot no-disturb buffer.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue a Negative Determination of Applicability with conditions as drafted for 85 Oregon Ave. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Murphy to close the public hearing. Vote: 5-0.

Other Business

**Update on Amended Order of Conditions
8-578 Oregon Ave. –only Lots 4[85 Oregon Ave.] & Lot 6 [80 Oregon Ave.]**

Discussed as part of the Request for Determination of Applicability hearing for 85 Oregon Ave. as noted above.

**Request for Approval of Restoration Plan
8-405 501-551 Mahar Highway/F.X. Messina**

Staff explained that the applicant would like to close the project out but there were a few outstanding issues with the site. One issue is that an area of the site that was intended to be developed was used as a staging area and has not been developed. The area has piles of boulders on it, vegetation has regrown and

it is enclosed with jersey barriers. The Commission previously informed Mr. St. John that it should be restored.

Rob St. John, from Messina Enterprises was present with a plan for the area. The plan involved leaving the boulder piles in place since there is vegetation (including small trees) growing in among them; removing the jersey barriers; and creating a boundary of arbor vitae and staggered boulders around the area to prevent vehicle access to the area. The plan also included adding pavement to provide for emergency vehicle access around the area.

Mr. Weinberg asked how far the top of the bank of the Monaquot River is to the proposed pavement and if the area sloped toward the river. Mr. St. John estimated it was about 180 feet and that it sloped away from the river.

Ms. Feldman asked if they used the area to store snow. Mr. St. John said they used the perimeter of the site.

Staff raised the question of obtaining an easement to the area, noting its proximity to the river. She said that there is a lot of interest in providing public access to the river and this is one of the best spots as you can actually walk along a scenic part of the river for a few hundred feet. Mr. St. John said they were willing to give an easement and that once Ron Marshall, their attorney, returned from a medical leave, they would draft an easement for the Commission to review. Mr. St. John also mentioned that there had previously been a walking path along the area.

Motion by Mr. Murphy, second by Mr. Weinberg, to approve the restoration plan. Vote: 5-0.

Update on Elm St. Violations

As discussed at the October meeting, the Commission had given the property owners of the Elm St. apartments (#245 & #255) until November 7th to install the fences required to prevent trash from migrating down the riverbank. Staff was not able to visit the site this week to verify that the fences were installed but will do so as soon as possible.

Request for Certificate of Compliance 8-614 1091-1093 Washington St.

Staff recommended issuing the Certificate of Compliance with surviving conditions for pool chemical storage, discharge of chlorinated water and maintenance of the 25 foot no-disturb buffer. Staff also recommended releasing the as-built guarantee of \$1500.

Motion by Mr. Weinberg, second by Ms. Feldman, to issue the Certificate of Compliance with surviving conditions #32, #33 and #34. Vote: 5-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to release the \$1500 as-built guarantee. Vote: 5-0.

**Request for Certificate of Compliance
8-611 257 Ivory St./Covanta SEMASS, LP**

Staff recommended issuing the Certificate of Compliance with surviving conditions for stormwater system maintenance, snow storage and restriction on sodium-based deicers. Staff also recommended releasing the \$4000 as-built guarantee. Vote: 5-0.

Norfolk County Mosquito Control

Staff provided the Commission copies of a proposal by Norfolk County Mosquito Control for a drainage improvement project behind #327- #349 Elm St. This agency is exempt from the Wetlands Protection Act.

Conservation Fund Update

Staff provided an update on the balance in the conservation fund. The bulk of the fund is in a CD and is earning interest. The Commission has approximately \$30,000 on hand.

Approval of Minutes

Motion by Mr. Weinberg, second by Mr. Murphy, to approve the October 3rd minutes. Vote: 5-0.

Adjourn

Motion by Mr. Murphy, second by Mr. Weinberg, to adjourn the meeting at 8:02 pm. Vote: 5-0.