

# 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, AUGUST 11, 2011

Members Present: Patrick Flynn, Chair  
Diane Francis  
Matthew Hobin  
Gus Murphy  
Daniel J. McMorrow, Jr.  
Alan Weinberg

**APPROVED**

Staff: Kelly Phelan

### Public Hearings

#### **Notice of Intent DEP File # 8-609 700 Rear West St./Blue Hill Cemetery**

Michael Modestino, attorney, David Crispin, project engineer, and Gerald Ridge Jr. were present.

Staff gave an update from the last meeting, at which the Commission requested the Town Engineer review Mr. Crispin's analysis relative to the floodplain elevation. The Town Engineer raised some issues with the analysis. In response Mr. Crispin revised the plans to provide compensatory flood storage based on the elevation from the FEMA flood map.

Mr. Crispin said that Mr. Campbell had more knowledge of the area including a culvert downstream of the Lundquist culvert. He said he had to provide storage up to the FEMA floodplain elevation and presented the revised plan depicting the lowering of elevations in the front yard area of the site. He said the whole discussion from the last meeting was moot. He presented a plan showing the cut and fill areas.

Mr. Crispin also showed the plan which depicts the areas of impervious surface being removed and being added.

Mr. Crispin said he added snow storage to the plan per staff's comment. Also, the elevation of the emergency generator was added to show that it is above the floodplain elevation.

Staff asked Mr. Crispin about the test pit data. Mr. Crispin said the test pits were done for structural reasons, not to determine high groundwater. Staff said the bottom of the rain gardens is at the elevation of the adjacent wetland which is typically the groundwater elevation. Staff said the concern was that they would not drain. Mr. Crispin said the soil is sandy and gravelly so he was not concerned. Mr. Crispin noted a forebay on the adjacent property which is at the same elevation and does not hold water.

Mr. Flynn asked about the expired Order of Conditions. Staff said she thought the Commission should deal with it the same way as in other recent projects – by conditioning that it be closed out prior to the start of this project. Mr. Modestino said they plan to do that. Mr. Crispin said the area is graded, loamed, seeded and stabilized in the 100 foot buffer zone but from the 100 foot buffer through the 200 foot riverfront area it is still piles of dirt.

Mr. Weinberg noted the receipt of a letter from Bert Johnson and asked the applicant if they received it. Mr. Modestino said they have seen the letter.

Mr. Flynn asked for comment from the public. There was none.

Motion by Mr. Weinberg to continue the hearing to September 8<sup>th</sup>. Mr. Flynn asked what is being addressed. Staff said she thought draft conditions could be issued. Mr. Modestino said he couldn't be present on September 8<sup>th</sup> and was not opposed to continuing to the following meeting. Mr. Flynn asked if any Commissioners were opposed to that. No opposition was stated. Mr. Flynn asked if any Commissioners were opposed to going to draft conditions. No opposition was stated.

Motion by Mr. Weinberg, second by Mr. McMorrow, to continue the hearing to September 22<sup>nd</sup> and draft conditions. Vote: 6-0.

Mr. Crispin said he would try to meet with staff about the expired Order.

**Notice of Intent DEP File #8-610  
60 Harness Lane Extension/West Point Development**

George Collins, civil engineer, was present with Mike Amedo of West Point Development as well as the owner's representatives Ken Allman and Dacia Poulos.

Mr. Collins said that the Notice of Intent is for a single family house at Harness Lane Extension. A common drive serves four lots and this is the last lot to be developed. He said there is a culvert under the drive and an intermittent stream and bordering vegetated wetland (delineated by Walter Hewittson). He pointed out the buffer zone on the plans.

Mr. Collins said an Order of Conditions was issued in 1997 and amended in 2000.

Mr. Flynn asked Mr. Collins about the issues raised in the staff report. Mr. Collins addressed the riverfront issue. He said the stream is intermittent and he has observed it under no flow conditions. Staff said she looked at the file for the property upstream and Mr. Weinberg (agent at the time) raised the same issue that the stream is shown on the USGS maps however the record reflected that there was not a stream on the adjacent property. Staff said she felt that riverfront area was not accurate but had wanted to bring it to the Commission's attention.

Mr. Collins addressed the issue of the driveway within the 25 foot no disturb buffer. He said the drive is within the easement area and existing utilities are in place in this location.

Mr. Weinberg said the 2000 plan did not have the driveway crossing across the lot so there was less pavement in the buffer zone. Mr. Amedo said the driveway was designed to have a gradual grade. He said if they left the driveway as it was on the 2000 plan it would be steeper and require more grading.

Mr. Collins said they could keep the driveway on that side of the house but it would be a potentially dangerous situation and they are trying to work with the topography.

Mr. Weinberg asked about ledge. Mr. Collins said they didn't expect any but would hammer it out if they found any. Mr. Amedo said there were some boulders but not a lot of ledge and they could use a hydraulic hammer.

The third issue in the staff report was the expired Order for the four lots. Mr. Allman said he retained someone to do the as-built plans for the other three lots.

Mr. Flynn asked staff how she felt about the 25 foot buffer issue. Staff said it was a tough one and she didn't think that this Commission had ever waived it. Mr. Flynn asked how close the work is to the wetland. Mr. Collins said the grading is about 5 feet. He said that even if the garage/driveway location was flipped it would still be that close because that is the critical point of access.

Mr. Flynn said the Commission is very realistic but that they take the 25 foot no-disturb seriously. He said he would like to do a site visit to see it. Mr. Murphy agreed. Mr. Collins said they have no control over the easement location.

Mr. McMorrow said he would like to see on a plan exactly what is changing so that he can determine if it is a material change. Mr. Collins said he would provide that.

Motion by Mr. Murphy, second by Mr. Hobin, to continue to the September 8<sup>th</sup> meeting and have a site visit prior to that. Vote: 6-0.

Mr. Allman asked if there were any other issues that he should be aware of. Mr. Flynn said he wasn't aware of any until he gets out to the site.

**Request for Determination of Applicability  
I93 and Route 3/Massachusetts Department of Transportation**

Rick McCollough from MA Department of Transportation-District 6 was present. He said they are proposing to spray herbicide in the right of way (ROW) under the ROW management regulations. He said the Department has a licensed sprayer and a spray truck. They spray guardrail and other areas, particularly in high speed locations.

Mr. McCollough said they are open to moving spray locations if they are wetland issues.

Mr. Weinberg asked if they notify the public. Mr. McCollough said they provide a minimum of 10 days notice.

Mr. Flynn asked for comment from the public. There was none.

Motion by Mr. Weinberg, second by Mr. Hobin, to issue a negative Determination of Applicability for Right of Way management on I93 and Route 3. Vote: 6-0.

**Request for Determination of Applicability  
40 Harness Lane/Herlihy**

Tom Herlihy from 40 Harness Lane was present. He gave the Commission members copies of an aerial photo showing his property.

Mr. Herlihy said he has lived at the property since 1994. When his children were little he fenced in the yard and installed a swing set on a crushed stone area. Now that his children are older, they don't need the swing set area. He would like to construct an in-ground pool and two patios. He said they are working with a landscape designer.

Staff said she visited the site and it is a very clearly defined yard within a fenced in area. She recommended issuing a negative determination with conditions that work can only occur within the existing fenced-in area.

Mr. Weinberg suggested additional conditions regarding storage of pool chemicals. Specifically, that chemicals be stored in sealed containers within a building and there shall be no discharge of pool water to the wetland.

Mr. Herlihy agreed with these conditions. He said the pool will be a saline pool which uses sodium chloride with a conversion machine.

Mr. Flynn asked for comment from the public. There was none.

Motion by Mr. Murphy, second by Mr. McMorrow, to issue a negative Determination of Applicability with conditions as amended. Vote: 6-0.

**Notice of Intent DEP File 8-611  
257 Ivory St./Covanta SEMASS LP**

Tom Cipolla, business manager for SEMASS, was present with the facility manager, Len Landry.

Mr. Cipolla said that they are delighted to be in Braintree. They've been in Braintree since the 80s. He said they were pleased to be able to sign an extension to their lease. As part of that, they are making well-needed changes to change aesthetics and appearance. He said there would be no change to hours of operation or vehicle trips.

Mr. Flynn asked that they address the staff comments on the stormwater standards.

Mr. Landry said that he would like to explain the operation changes. He said the major change was enclosing the truck turnaround area where the trash trucks back into the tipping floor. He said the same process would take place but now it would be under a roof and enclosed. He also indicated they would be removing 18' of height from the structure by removing the old incinerator building and replacing it with a maintenance building. He explained other changes including changes in the trailer truck circulation and tarping station. They will also move the resident drop-off area to the recycling area. A trash compactor will be placed there and Covanta will maintain it.

Al Trakimas from SITEC Engineering addressed the stormwater standards and staff report. He said the wetland was flagged by a wetland scientist. He pointed out the wetlands, buffer zone, riverfront area and floodplain on the plan. He said there no work in the wetlands and only in an area of the buffer zone.

Mr. Trakimas said that enclosed truck turnaround building is 13,000 sq. ft. The roof runoff from the building will be directed to the stormwater management system. He said liquid from the floor of the building will be directed to a holding tank. The tank will be double-walled fiberglass and have a monitoring system to alert operators when it needs to be pumped.

Mr. Trakimas said that sediment forebays will be used to treat runoff from the new circulation drive. He said they were originally sized for a two-way drive but only a one-way drive is needed so only 16 feet of pavement width is needed.

Mr. Trakimas said he spoke to staff briefly about the comments in the staff report. He will be revising the plans to address the comments. He said there is a liner all the way around the landfill up to the transfer station. He said paving will not change much in the way of runoff rates because of the impervious liner. To address sediment they will add a mechanical unit such as a stormceptor.

Mr. Flynn asked about the catch basins on Ivory St. which drain to the Monatiquot and asked if they planned to do upgrade them. Mr. Trakimas said they will direct their runoff to green area on their site instead of allowing it to runoff the street. He said they hadn't considered doing anything with the catch basins.

Mr. Flynn asked for comment from the public. There was none.

Motion by Mr. Murphy, second by Mr. Hobin, to continue to the September 8<sup>th</sup> meeting. Vote: 6-0.

**Notice of Intent DEP File #8-  
Sunset Lake Parking Lot/59 Pond St./High School Access Dr./Planning & Community  
Development Department**

Kelly Phelan was present as the project applicant for the Department. She reminded the Commission that this is a grant-funded project with additional funding coming from the conservation fund as well as the Community Preservation fund.

Ms. Phelan explained the existing untreated discharges to the lake from the project area. There are two at the beach parking lot; one from the large puddle which forms after heavy rains and then washes down the boat ramp; the other from catch basins on Safford St. which discharge through a 10 inch pipe to the lake. At the high school access drive an existing culvert which connects the marsh to the lake has two grates over it which drain runoff from the road. Finally, at 59 Pond St. a 15 inch pipe discharges directly into the lake from catch basins on Pond St. There is a drainage easement through Marjorie Sullivan's property for this pipe.

The project will provide treatment for these untreated discharges. In the parking lot, three strips of pervious pavers will be installed. These will allow infiltration to the groundwater and filtering of pollutants. Also several rain gardens will be installed around the perimeter. A deep sump catch basin will be installed in the location of the puddle and will direct this water to the rain garden. The pipe from Safford St. will also be retrofitted to discharge to a rain garden before reaching the lake. At the high school access drive, the drop inlets will be replaced with deep sump catch basins. At 59 Pond St. a stormceptor will be installed in line with the existing pipe.

Mr. Flynn noted that maintenance of these structures will need to be done by the DPW.

Mr. Flynn asked for public comment. Marjorie Sullivan said that she did not agree with the original location of the stormceptor but that Kelly had come over with the engineer and arranged to relocate it away from her lower yard to be closer to the street.

Motion by Mr. Weinberg, second by Mr. Murphy, to continue to September 8<sup>th</sup> for draft conditions. Vote: 6-0.

## **Other Business**

### **Jan Barris – Sunset Lake Pump Discussion**

Staff said that Ms. Barris was not able to attend but would like to come to the September 8<sup>th</sup> meeting to discuss putting an aeration pump in the lake near Furlong Park.

### **Offer of Land Donation – Cliff Rd.**

Staff said that Jeanne Kennedy had given a written offer to donate land on Cliff Rd. to the Commission. There are two pieces she would like to donate, both about 5000 sq. ft. They are identified on Assessors Map 3021 as Plots 87 and 88. Staff showed the Commission a map of the lots and surrounding area. Several surrounding plots area were turned over to the Commission by Town Meeting vote in 1980.

Mr. Murphy noted that these plots would tie other Commission land together. Ms. Francis asked if they were near Watson Park or the river walk area. Staff said they were not, they are behind the Union Congregational Church.

Motion by Mr. Murphy, second by Ms. Francis, to accept the land. Vote: 6-0.

### **Outreach Opportunity at September 10<sup>th</sup> Farmers Market**

Staff said that Sustainable Braintree has opportunities for informational tables available at the September 10<sup>th</sup> Farmers Market. They would like to know if the Commission is interested in having a table. Staff said information available to put out would be the wetland brochure and the Cranberry Pond trail map but that she would be out of town that weekend and could not be at the table. Members Francis, Flynn and Weinberg said they might be able to stop by the market. Staff said she would let Sustainable Braintree know that the Commission has some information to put out and that members would stop by.

### **Approval of Minutes**

Staff said that Ms. Feldman requested the Commission hold off on the June 16<sup>th</sup> minutes until the following meeting as she would like to be present for that discussion.

Mr. Weinberg said he had changes to the July 14 minutes. On page 2 he believed that he an addition should be included that he made a motion find the project significant to the MA Wetland Protection Act and Braintree Wetland Bylaw. On page 4, the suggestion to have the Town Engineer review the floodplain calculations was made by him, rather than Ms. Feldman.

Staff said she would check the audio and amend the minutes for the next meeting.

### **Adjourn**

Motion by Mr. Murphy, second by Mr. Hobin, to adjourn the meeting at 8:20 PM. Vote: 6-0.