

Department of Planning and Community Development

90 Pond Street
Braintree, MA 02184
781 794-8230



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, JUNE 21, 2012

APPROVED

Present: Members: Patrick Flynn, Chair, Gail Feldman, Diane Francis, Alan Weinberg
Staff: Kelly Phelan

Absent: Members: Daniel McMorrow, Jr., Gus Murphy, Matthew Hobin

Public Hearings

Notice of Intent 8-615 85 Quincy Ave./CITGO Petroleum Corp. Inc.

Russell Titmuss from Bourne Consulting Engineering was present on behalf of CITGO. He gave staff a revised copy of the staging plan per her request to address issues with its location. He removed it from the grass area, cut it back to the existing gravel area and provided sedimentation control.

Mr. Titmuss said he read the draft conditions and requested some changes on conditions about the independent monitor. The Commission was provided a copy of the edits requested by Mr. Titmuss. He said the silt curtain was proposed in response to the Division of Marine Fisheries recommendation for a time of year restriction on construction. The Division accepted the use of a silt curtain instead of the time of year restriction. Mr. Titmuss suggested the independent monitor condition only apply during the time of year restriction.

Ms. Feldman was concerned about the \$5000 limit on the amount of funding available to pay the monitor. Staff said it should be enough because the monitor needs only to verify that the silt curtain is in place, they don't have to remain on site throughout the day. Staff said the concern was that the curtain would have to be removed each time a tanker comes to the berth and then put back in place after it left. Mr. Titmuss said they are trying to arrange construction windows in which no tankers will come for a two-period. Then they will dismantle the silt curtain, put the fenders back up and have a cluster of tankers come, then go back to another two-week window as needed.

Mr. Flynn requested an amendment to condition #35 to read that in addition to providing bi-weekly email reports to staff, the monitor will provide additional email reports if deemed necessary by the monitor.

Ms. Feldman said she saw an article in the paper about CITGO receiving permission to store biodiesel and ethanol on site and asked where this was. Mr. Titmuss said he did not work on that project but that the storage was near the office building on Quincy Ave. and not near the waterfront. David Crispin from BSC Group was in the audience and said that he was involved in that project.

Staff said she was comfortable with the proposed edits to the independent monitor conditions.

Motion by Mr. Weinberg, second by Ms. Feldman, to find the project significant to the state Act and local bylaw and interests and issue an Order of Conditions with amendments to the independent monitor conditions as discussed. Vote: 4-0.

Request for Determination of Applicability 2-10 Commercial St./ S&H Realty Trust

David Crispin from BSC Group was present with Harry Sarras, owner of the building. Mr. Crispin said he understood there was a hearing on this a few weeks ago and there were outstanding issues. He presented a site plan which included the work on the plate over the brook outside the building. The slab over the culvert is collapsing and they will do similar work to what the Town did in Brookside Road to reinforce the deck.

Mr. Crispin said he received the draft conditions and understood that staff was going to add a condition that the structural engineer stamp the plan as well. Staff said that the plan stamped by the structural engineer is different the plan provided by Mr. Crispin, specifically the location of the interior foundation wall is different. Since the integrity of the culvert is the main focus of the Commission's review, the structural engineer's review is necessary. Staff drafted condition #8 to add to the proposed conditions. Condition #8 states, "prior to the start of work, a set of the record plans stamped by the structural engineer must be provided to the Commission".

Motion by Mr. Weinberg, second by Ms. Francis, to issue a negative Determination of Applicability for 2-10 Commercial St. with conditions as amended. Vote: 4-0.

8-616 79 Shepard Rd./Connolly

Seth Dufort from Outback Engineering was present with Stephen and Paula Connolly. Mr. Dufort said the Connolly's propose a 4' x 10' foot addition to an existing garage. The Monatiquot River abuts the site and there is bordering vegetated wetlands and floodplain associated with the site. He said the garage addition is within the floodplain and will displace 19.3 cubic feet of flood storage. The compensation will be done by re-grading an area on the side of the house. A total of 23.8 cubic feet of flood storage will be provided to provide a net increase of 4.5 cubic feet of flood storage.

Mr. Weinberg noted that the file number from DEP had not been received yet and the Commission cannot close the public hearing until that is received. He said he has no problem with the project.

Staff said she would like to clarify that it is not just an addition to the garage. They are removing the existing garage and propose to rebuild it with a full foundation. Staff said the applicant would be meeting with the Planning Board staff to discuss the floodplain zoning bylaw. Staff recommended the Commission continue the hearing in case any changes arose from compliance with the zoning bylaw and because the DEP file had not been received.

Motion by Mr. Weinberg, second by Ms. Feldman, to find the project significant to the state act and continue to the July 12th meeting. Vote: 4-0.

Other Business

Compliance with Tree Policy Condition – 825 Granite St./Sealcoating, Inc. File # 8-613

Tom French from Highpoint Engineering was present with Rich Goodick from Sealcoating, Inc. Mr. French said they received an Order of Conditions for the site on the corner of Granite St. and Lundquist Dr. They are back to ask the Commission to make a determination on the tree policy condition as it applies to this site.

Mr. French went through the replacement requirements in the tree policy which range from 4:1 replacement for trees within a resource area to 2:1 replacement for trees in the outer buffer zone. He said that on their site the floodplain extends outside of the buffer zone but because floodplain is a resource area it would trigger 4:1 replacement. Mr. French suggested that it would be fairer to require the 2:1 replacement standard.

Staff said the intent of the policy was to discourage tree removal and development in the buffer zone and resource areas. She had hoped this would have discouraged the additional pavement in the floodplain on this site but it did not. She said their analysis and proposed contribution to the tree fund for trees they cannot replace on site was significant.

Ms. Feldman clarified that they would provide replacement at the 2:1 standard and contribute to the tree fund for those trees they cannot replace on site, an amount calculated to be \$10,250.00.

Ms. Francis asked how they would guarantee that the trees they plant will be in good health. Mr. French said there was a condition requiring monitoring. Mr. Goodick said the trees they are planting are in high profile locations along the front and side of the building and they want them to look good.

Motion by Mr. Weinberg, second by Ms. Feldman, to accept the proposal to replace at a 2:1 standard with a \$10,250 contribution to tree fund. Vote: 4-0.

Watson Park – Disturbed Area

Staff said she met with Tom Whalen at the site and he is willing to do whatever the Commission would like. She said the options are to spread out the debris piles and put down a native seed mix or try to do

a restoration project. The problem with the first option is that the Japanese knotweed will take over the area.

Ms. Francis said the knotweed is very invasive.

Mr. Flynn said it is a question of doing a betterment or just throwing out a native seed mix. Mr. Flynn said they should try to get rid of the knotweed if they have an opportunity.

Ms. Feldman said she did not want the area to be considered redevelopment in the future and that the Commission would have to agree that at no time could this area become a parking lot. Mr. Flynn said they could not put restrictions on what could be proposed.

Mr. Flynn said there were three stages. 1. Spread out the debris piles. 2. Have golf course manager treat the knotweed with glyphosate in August when the knotweed is flowering 3. Loam and spread a native seed mix.

Staff said that a Request for Determination would have to be filed for this work and she would assist in this application.

79 Canavan Dr. – Refund As-Built Guarantee

Staff neglected to ask the Commission to vote to release the as-built guarantee at the June 7th meeting when they voted to issue the Certificate of Compliance. Staff requested the Commission vote to release the as-built guarantee.

Motion by Ms. Francis, second by Mr. Weinberg, to refund the as-built guarantee for 79 Canavan Dr. [8-603]. Vote: 4-0.

Cliff Rd. – Land Donation

Staff gave the Commission an update on the two parcels offered to the town last summer by Jeanne (Adams) Kennedy. The parcels are identified on map 3021 as plots 87 and 88. The Commission voted to accept the parcels on August 11, 2011 but Ms. Kennedy was not able to have an attorney draft the deed at that time. Since that time, she retained an attorney to draft the deed. Staff sent the deed to the Town Solicitor for review. Ms. Kennedy also requested the back taxes (approximately \$215 on each parcel) be waived. Staff discussed this with Mayor Sullivan and he agreed to waive the taxes.

Once the Town Solicitor reviews the deed, she will advise on next steps.

Approval of Minutes

Motion by Mr. Weinberg, second by Ms. Feldman, to approve the June 7th minutes. Vote: 4-0.

Adjourn

Motion by Mr. Weinberg, second by Ms. Francis, to adjourn the meeting at 8:20 pm. Vote: 4-0.