

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, MAY 3, 2012

APPROVED

Members Present: Patrick Flynn, Chair
Matthew Hobin
Gus Murphy
Alan Weinberg

Staff: Kelly Phelan

Public Hearings

None

Other Business

Encroachment Issues

The following are informational updates for the Commission.

Watson Park – DPW employees cleared an area at the request of parents involved in the baseball league. The area is within Bordering Land Subject to Flooding and as such, jurisdictional to the Commission. Staff spoke with the DPW Director about this and requested they remove the debris piles and seed the area with a native seed mix.

Ms. Feldman said that trees should be planted there because it was wooded before. Staff said that there were no stumps evident and only shrub branches in the debris piles left behind.

Mr. Flynn said the DPW will have to water the area so that the seed mix germinates and grows.

168 Franklin St. – The owners removed trees and constructed a deck on their pool house within the 100 foot buffer zone. Staff spoke with the owners about this work and they said the trees were dead. Staff could not verify this since only the stumps remained. Staff directed them to file a Request for Determination of Applicability by May 25th for the work.

17 Smith St. – The owner of this property received approval for construction of a shed in the buffer zone in 1992. It recently came to light that the shed has been replaced with a significantly larger pool house and that clearing and filling of land within the Commission’s jurisdiction has occurred. The land is within the floodplain and may also have been wetland. Staff directed the owner to retain a wetland scientist and engineer to quantify the alteration and either restore it or apply for the permits to keep it, depending on the extent and feasibility.

Baker Ave. Jurisdictional Wetland Question

A resident of Baker Ave. requested assistance from the Town in removing several trees from the back of her property. The trees straddle the property line between her property and a town-owned parcel on which a long, linear wetland is located. The wetland contains a drainage ditch and is vegetated with wetland vegetation. The wetland is not jurisdictional under the state Act but could be considered jurisdictional under the local bylaw. Staff noted the situation is similar to Almquist Estates subdivision in which the Commission took local jurisdiction over the drainage ditch at the rear of the property.

The Commission discussed whether or not to require a Request for Determination and decided to require one. By requiring the application process it puts the neighborhood on notice. Not taking jurisdiction could create the impression that it is ok to fill in the ditch.

Request for Certificates of Compliance

8-460 Dove Circle/Bavis

Staff has been working with the applicant to have outstanding items completed. At this point everything has been addressed. Staff recommended issuing the Certificate of Compliance with surviving conditions #34 and #44 for drainage system maintenance and releasing the remaining \$2800 of the bond.

Motion by Mr. Weinberg, second by Mr. Murphy, to issue the Certificate of Compliance for 8-460 with surviving conditions #34 and #44. Vote: 4-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to release the \$2800 surety. Vote: 4-0.

8-512 700 West St./Blue Hill Cemetery

Staff recommended issuing the Certificate of Compliance with surviving conditions #35 and #48 for drainage system maintenance. Vote: 4-0.

8-405 555 Mahar Highway/F.X. Messina

This was on the agenda as an informational item only. There is a punch list of items to be completed before the Certificate can be issued.

The owner wants to cut trees which have grown up near the stormwater detention basin because they are blocking visibility. Staff wanted the Commission to be aware of this activity because the basin is vegetated with cattails and other wetland plants. However, the regulations provide that structures created for stormwater management are not jurisdictional wetlands and can be maintained.

Other Business

Staff drafted a letter for the Chair to sign to thank four employees from the Water Department who helped plant the rain gardens at Sunset Lake on Beautification Day.

A resident from Harness Lane Extension would like permission to remove grape vines from trees at his property because he feels the vines are killing the trees. The Commission discussed the issue and feel that the grape vines do not strangle trees and that allowing this would not be a good idea. Staff will reach out the resident.

Mr. Weinberg is concerned that the revisions to the Wetland Bylaw which the Commission drafted several years ago have not been reviewed or voted by the Town Council. He suggested sending a letter to the Mayor's office about this. The Commission decided that since it has been about three years that they would like to review the bylaw at the next meeting.

Approval of Minutes

Motion by Mr. Murphy, second by Mr. Weinberg, to approve the minutes of April 5, 2012. Vote: 4-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Hobin, to adjourn the meeting at 7:50 pm. Vote: 4-0.