

APPROVED

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission
Patrick Flynn, Chair
Donald Murphy, Vice-Chair
Matthew Hobin
Daniel J. McMorrow, Jr.
Gail Poliner-Feldman
Alan Weinberg

Staff Kelly Phelan

**CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, DECEMBER 3, 2009 7PM**

FLETCHER HALL – TOWN HALL

Public Hearings

None

Other Business

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

Staff: Kelly Phelan

**Request for Certificate of Compliance
8-538 Thayer Academy Athletic Fields -1515 Washington Street**

The Commission discussed this at the November 19 meeting and asked for a representative from Thayer Academy to attend to discuss the condition regarding the Tree Policy.

Bob Daylor and Bill Stephenson were present representing Thayer Academy.

Ms. Feldman asked about Thayer's understanding of the tree policy condition and noted that the present members of the Conservation Commission were not sitting on the Commission when the project was permitted.

Mr. Daylor said that Thayer had asked for a waiver of the tree policy fee because of the value of the fields to the Town, which he estimated at over \$100,000 annually.

Mr. Flynn asked if the tree policy fee was required by the Commission above and beyond the Town's use of the fields.

Mr. Daylor said that it was a matter of policy for the Commission and they applied it the same as they did to other development projects but that in this case, the project was not a housing or retail development.

Mr. Flynn asked how much tree clearing was involved in the project. Mr. Daylor replied that it was a large, wooded site and there was substantial tree clearing. Mr. Stephenson added that there was not space on the site to replace all of those trees.

Mr. Murphy asked staff if she knew of any other projects where the tree fee was waived because of a public benefit of the project. Staff said she was not aware of one.

Mr. Weinberg said he never got a clear knowledge of how many trees were removed and how many planted. He said the tree policy was part of the Order of Conditions which was recorded at the Registry of Deeds and had to be addressed, perhaps through a token contribution to the tree fund.

Mr. Murphy said that he feels that the use of the fields is very valuable to the community and that the Commission should accommodate a waiver.

Motion by Mr. Murphy to issue a Certificate of Compliance on the Athletic Fields. Mr. Weinberg seconded for discussion and amended the condition to include surviving conditions on salt prohibition and drainage system maintenance. Ms. Feldman seconded the amended motion. Discussion ensued to confirm that the tree fee was being waived. Vote: 5-0.

**Request for Certificate of Compliance
8-543 Ridge at Blue Hills – 800 West Street**

Staff explained that construction was completed in 2007 and that she had been working with the applicant to address all of the outstanding conditions since then. One condition required documentation from FEMA and that documentation was not provided until very recently. Since that condition has been satisfied, staff recommended issuing the Certificate of Compliance with surviving conditions relative to drainage system maintenance and no salt signs.

Motion by Mr. Weinberg, second by Ms. Feldman, to issue the Certificate of Compliance with surviving conditions as noted. Vote: 5-0.

Request for Extension - Negative Determination of Applicability 150 Potter Road – BELD Warehouse

Staff explained that Braintree Electric Light Dept (BELD) had received a negative Determination of Applicability in 2007 for construction of a warehouse at their 150 Potter Road facility. For several reasons, BELD was not able to begin construction on this project and had requested an eighteen month extension.

Motion by Mr. Murphy, second by Mr. Weinberg, to grant an eighteen month extension. Vote: 5-0.

Discussion on Wetlands Flyer [BELD Insert]

Per the Commission's request, staff reserved a spot in BELD's April electric bill mailing for an informational flyer on wetlands law and regulation. BELD recently updated their requirements for inserts and now require that they be printed on recycled paper. Staff estimated the total cost of the flyer including printing and folding of 16,000 copies to be approximately \$850.

Motion by Mr. Weinberg, second by Mr. Murphy, to spend up to \$900 for printing/folding an information insert for the BELD bills. Vote: 5-0.

Proposed 2010 Meeting Schedule - distributed

Sunset Lake Discussion with Jan Barris

Per the Commission's request at the previous meeting, Jan Barris was in attendance to discuss her work with the former Lakes and Pond Committee.

Ms. Barris said that the committee was formed because of a problem with Eurasian milfoil which had taken over the lake and was so dense that people couldn't swim or boat in the lake. The subcommittee included several abutters to the lake as well as Town staff and the Pond Meadow Park ranger (who had similar problems at Pond Meadow). They met for over a year during the 1992-1993 period and looked at different approaches and what other towns were doing to manage their lakes. In addition to the milfoil problem, there was a problem with bacteria and repeated beach closings. They had the Town do a dye test to make sure all the lake abutters were connected to the sewer system. They found that all the abutters were connected but that the bath house toilets at the lake were not connected to the sewer system. That was corrected. They also had the sewer pipes investigated with a remote camera and found a break in a pipe on Safford St. That pipe was replaced. They also mapped all of the street drains coming into the lake, including the 12" drain coming in from Pond St.

Ms. Feldman asked if the drain pipes were addressed. Ms. Barris said that they were not because that is how the street drains were set up. She said the committee came to the conclusion that chemicals were the best way to deal with the weeds. They petitioned Town Meeting for funds for Sunset Lake and Pond Meadow and received the funds. A successful treatment occurred in 1994 and eliminated most the milfoil. Follow up spot treatments were conducted over the last several years to maintain the open condition of the lake.

Mr. Weinberg said he had the files from the committee and there were fourteen members of the committee originally and invited anyone who was interested to read through them.

Ms. Flynn also asked if the lake needs to be dredged. Ms. Barris replied that she does not think it needs to be dredged. The Town did drawdowns twice during the 1980s to lower the water level and remove weeds but it is expensive. She said the big problem now is that kids pull the boards out of the dam which controls the water level in the lake. When too much water flows over the dam, the lake is much shallower and the weeds grow better because it is easier for them to reach sunlight.

Mr. Flynn asked about the depth of the lake. Ms. Barris said it is pretty shallow but has one deep section. Mr. Murphy said the deep part is near the Pond St. side of the lake.

Mr. Flynn asked about the water quality. Ms. Barris said it was closed once this summer and that it is much better in recent years. About six to eight years ago the Town installed an aerator to circulate water to prevent it from becoming stagnant. She also said that the Health Department tests the lake twice a week during swimming season.

Ms. Feldman asked if there is still monitoring of the lake. Ms. Barris said that Aquatic Control Technology would inspect the lake at least once a year. Staff said that this is still the case.

Mr. Flynn asked what the next move of the Town should be regarding the lake. Ms. Barris said that continued monitoring of the aquatic weeds is very important. Also, a way to keep the boards from being pulled out of the dam is needed and the huge puddle in the parking lot which runs into the lake should be addressed.

Mr. Flynn asked how feasible it is to change the stormwater system to prevent it from discharging into the lake. Ms. Barris thought the drain off of Pond St. was the biggest problem to look at.

Mr. Flynn said the weed problem is a symptom of a phosphorus problem with the lake and that phosphorus would be coming in from the storm drains and fertilizer runoff from lawns. Ms. Barris said the lawns on the Franklin St. side of the lake have a retaining wall with a lip which prevents runoff from going into the lake. On the Pond St. side the lawns slope toward the lake and they don't have the same type of retaining wall.

Ms. Feldman asked if it was necessary to get another committee going. Ms. Barris said the footwork had all been done. It was a grass roots effort because the lake abutters were frustrated that they couldn't use the lake.

Mr. Flynn wondered if people are content now with the condition of the lake. Ms. Barris said she thought they were content because they know the lake is being treated.

Mr. Flynn suggested the Commission schedule a time to visit the lake.

*Ms. Feldman left the meeting at this point.

Inquiry on Vernal Pools

A student from Boxford wrote a letter to the Commission expressing concern that Braintree has no certified vernal pools and asking for a response on that issue. The Commission decided to invite the student to an upcoming meeting to discuss in person.

Minutes of November 19, 2009

Motion by Mr. Weinberg, second by Mr. Murphy, to approve the November 19, 2009 minutes. Vote: 4-0.

Adjourn

Motion by Mr. Weinberg, second by Mr. Hobin, to adjourn the meeting at 8:30 PM. Vote: 4-0.