

Department of Planning and Community Development

1 JFK Memorial Dr.
Braintree, MA 02184
781 794-8230



Mayor Charles C. Kokoros

Braintree Conservation Commission

Heather Charles Lis, Chair
Joyce Albrecht
Diane Francis
Christopher Hayward
Kimberly Kroha
Peter Williams

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, FEBRUARY 6, 2020 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Joyce Albrecht, Diane Francis, Christopher Hayward, Kim Kroha, Heather Charles Lis (Chair), Peter Williams & Kelly Phelan, Staff

Absent: none

Public Hearings

APPROVED

Request for Determination of Applicability 61 Oakledge Dr. /Fernald Family Trust

Joe Fernald was present. John Goldrosen, Assistant Town Solicitor was also present as well as Jim Arsenault, DPW Director.

Ms. Charles Lis noted that members made a site visit on January 27th. There are two issues to address. One is \the proposed addition, which is the subject of the RDA. The other issue is the encroachment into the Conservation Restriction area of Devon Woods.

Mr. Hayward said it was helpful to see the site. The location of the addition is well above the resource areas. Ms. Albrecht, Ms. Kroha, Ms. Francis and Mr. Williams all said they agreed. Ms. Charles Lis also agreed. She suggested an elevation certificate be conditioned to document that the addition is above the floodplain. Since the floodplain elevation is not determined by FEMA in Zone A, the certificate could document that the addition matches the first floor elevation of the house. She felt that spot grades would not be necessary nor even erosion control.

Mr. Hayward addressed the encroachment issue, he said he was not sure they should tear the artificial pond apart to make it whole.

Mr. Williams wondered whether the encroachment predated the Conservation Restriction CR. Staff said the CR was done in the mid-1990s. Mr. Fernald said the pond was created in the 1980's.

Mr. Williams and Mr. Hayward said the culvert across the sewer easement was a concern. Mr. Arsenault said he would look at it. Ms. Charles Lis wondered if culvert was cleaned out if it would make a difference to the pond.

Mr. Goldrosen said if the pond was present before the CR an exception could be made for what was already on the ground provided there is no further encroachment. Ms. Charles Lis asked if there was a way to allow this remain with the current owner but not future owners. Mr. Goldrosen said it was not clear how future owners would be aware of this without amending the CR.

Mr. Williams suggested documenting the current conditions and allowing the pond to remain. Ms. Charles Lis suggested allowing the pond to remain but require the area around it which is over the property line not be maintained as lawn and boundary markers be installed on the property line.

Staff suggested a split rail fence be installed at the property line with boundary markers to put future owners on notice. Mr. Fernald said he would rather not put up a fence. Ms. Kroha said trees could be a barrier.

Mr. Williams suggested moving forward on the addition and having the applicant return to the next meeting to resolve the encroachment issue. Ms. Charles Lis suggested two conditions for the addition. One that a surveyor provide elevation of the addition, the other that yard waste be removed from the wetland and buffer zone area in the southwest corner of the property. Mr. Williams said an elevation certificate was not necessary but the surveyor could confirm the first floor of the house is at the same elevation as the rest of the house. Ms. Charles Lis withdrew this condition as this can be confirmed visually. She suggested adding a "Findings" section that the project can proceed without flood elevation data due to the topography of the site and the limited scope of work.

Motion by Ms. Francis to issue a negative Determination of Applicability with the finding and condition as noted. Second by Ms. Albrecht. Vote: 6-0-0.

Motion by Ms. Francis to close the public hearing. Second by Ms. Albrecht. Vote: 6-0-0.

The encroachment issue will be put on the next agenda. Staff will work with Mr. Fernald on a draft Memorandum of Understanding to include boundary markers on the pond stone and native shrubs on the property line.

Request for Determination of Applicability Allen St. Reconstruction/Town of Braintree

Amy Archer, project engineer with Pare Corporation was present. Jim Arsenault, Braintree Department Public Works Director was also present.

Ms. Archer said they had provided an additional response letter and revised plans based on comments from the January meeting. They added a planter at the intersection of Shaw St. and Allen St. The strip between the planter and the property line of Mr. Bentley will be used as parking for Mr. Bentley in order to keep his site operations intact. The Town will provide an easement to Mr. Bentley. They also added six tree pits to the plans and may be able to add up to ten tree pits. They are working with the Braintree Electric Light Department to figure out the conflicts with utilities. They also maintain 10 inch pipe size coming out to the retaining wall; they had proposed changing that to 12 inches but the Town Engineer requested it be maintained at the same size. They propose to add crushed stone at the outfall points and keep it level with existing grade to avoid any impact to flood storage. Also, all new catch basins will have deep sumps. Mr. Williams requested all catch basins also have hoods or “tees”. That will be added to condition # 8 of the draft conditions prepared by staff.

Ms. Kroha suggested editing the “Findings” section of the draft decision to indicate the project is not likely to have a significant detrimental effect on the resource areas provided the conditions are followed.

Staff asked Mr. Arsenault to confirm that the condition prohibiting staging and stockpiling in the floodplain is feasible, noting that the Town’s Allen St. property is often used for staging and stockpiling. Mr. Arsenault said they can work around this condition.

Mr. Williams suggested adding a condition #9 to require as-built plans.

Ms. Charles Lis suggested editing condition #6 to say that ten tree pits will be installed on Allen St. unless it is not feasible due to utility conflicts; in which case a minimum of six tree pits shall be installed. Ms. Archer said they are considering “Winter King” Hawthorne. Mr. Hayward suggested looking at serviceberry. The condition will include language that the proposed planting list should be provided to the Commission for review and approval.

Ms. Charles Lis asked for public comment. There was none.

Motion by Ms. Francis to issue a negative Determination of Applicability with Conditions as amended. Second by Mr. Hayward. Vote: 6-0-0.

Motion by Ms. Albrecht to close the public hearing. Second by Ms. Francis. Vote: 6-0-0.

Other Business

Request for Certificate of Compliance 8-42 John Paul Circle

Staff said the paperwork had not been received and no action should be taken.

Elm St. Dumpster Maintenance

Staff noted she had sent letters to owners of two buildings on Elm St. who have poorly maintained dumpsters. Trash is blowing and/or being dumped down the bank to the Monatiquot River. This was an issue in the past and staff directed the owners to install six-foot high chain link fence. Some of the fencing has fallen apart and needs to be repaired/replaced. Staff will update the Commission on compliance at the next meeting.

Middle St. Trail

Staff said the design of the proposed trail includes boardwalk within the floodway. This is necessary to get views of the river and to be accessible. Prior to obtaining final design and construction specifications she would like to confirm the Commission is supportive of the concept and does not see an issue with permitting. Staff will do the conservation permitting rather than paying an outside consultant.

Establishment of Stewardship Committees or Groups

The Commission will discuss dates for spring walks at the March meeting.

Reorganization of the Commission

Ms. Kroha nominated Ms. Charles Lis to continue as Chair. Second by Mr. Hayward. Vote: 6-0-0.

Ms. Francis nominated Mr. Hayward as Vice Chair and Ms. Kroha as Clerk. Second by Ms. Albrecht. Vote: 6-0-0.

Other

Approval of Minutes – January 9, 2020

Motion by Ms. Francis to approve the January 9th minutes. Second by Mr. Hayward. Vote: 6-0-0.

Adjourn

Motion by Mr. Hayward at 9:05 PM to adjourn the meeting. Second by Ms. Albrecht. Vote: 6-0-0.