

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission

Heather Charles Lis, Chair
Donald Murphy, Vice-Chair
Alan Weinberg, Clerk
Joyce Albrecht
Diane Francis
Christopher Hayward
Gail Poliner-Feldman

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, FEBRUARY 7, 2019, 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Gail Feldman, Diane Francis, Christopher Hayward, Heather Charles Lis, & Kelly Phelan, Staff

Absent: Joyce Albrecht, Gus Murphy, Alan Weinberg

APPROVED

Public Hearings

Request for Determination of Applicability – 0 West St./RSA Media, Inc.

Dan Merrikan from Legacy Engineering was present on behalf of the applicant. Mr. Merrikan said they need to prune and remove vegetation to maintain visibility to an existing billboard. The billboard is located on Forbes Rd. but is part of the cemetery property which fronts on West St. Mr. Merrikan said the viewshed is determined by MA Department of Transportation. In Zone A (visible to southbound traffic) they need to remove a red oak and a tree of heaven and prune 15-25% of the upper canopy. In Zone B (visible to northbound traffic) they need to remove two tree of heaven as well as several black locusts under the billboard and 8 other trees (birch, poplar and red oak) and prune 5-10 trees. The trunk and limbs from the two tree of heaven which need to be removed will be left on site rather than removed because it would require more disturbance to remove them.

Ms. Charles Lis asked Mr. Merrikan if he had read the staff report and could address the comments. Mr. Merrikan said he had read it. He said the crane access would only be on the shoulder of Forbes Rd. He said they did not have room to replant but could remove invasives as an alternative or make a payment to the tree planting fund.

Ms. Francis asked if they would be willing to replace native trees or shrubs. Mr. Merrikan said there is a lot of understory vegetation and not much room. They can consider shrubs.

Ms. Feldman said she does not support the concept of removing vegetation for a billboard and she asked about the ownership of the land. Mr. Merrikan said the billboard company leases the area from the cemetery. Ms. Feldman asked how many of the trees to be removed are not invasive. Mr. Merrikan said eight in Zone B and one in Zone A.

Mr. Hayward asked about the pruning and said directional pruning should be done under the supervision of a certified arborist. Mr. Merrikan said George Ackerson is the arborist on the project. Mr. Hayward said directional pruning won't harm the tree if it is done at the right time of year (in the dormant season before growth begins in early April).

Ms. Feldman asked about the visual and aesthetic impact of the tree removal and pruning. Mr. Merrikan said it is an existing billboard and trees grew up around it over the years. They are trying to restore what was there by pruning the canopy.

Ms. Charles Lis said she is not entirely comfortable with the proposal, particularly removal of trees within the wetland. She asked if those could be pruned rather than removed. Mr. Merrikan said it may be possible with the trees under the billboard but the red oak on the bottom on the highway embankment has to be removed. Mr. Merrikan said there is a utility easement in the area for a water main and it could be beneficial to keep the area over the water main clear. Staff said she had visited the site in August with Mr. Merrikan and the arborist and recalls that the area under the billboard was not wetland.

The Commission discussed whether to draft conditions or wait for clarification on the trees located within the wetland. Ms. Feldman said she would prefer to wait. Staff will coordinate with the arborist and Mr. Merrikan visit the site again to clarify the scope of the project.

Motion by Ms. Feldman to continue the hearing to the March 7 meeting. Second by Ms. Francis.
Vote: 4-0-0.

Other Business

Update Wetland Rules and Regulations

The Commission continued the discussion from the last meeting. Staff incorporated the changes discussed at the January meeting and Ms. Charles Lis added language to the Tree Policy introduction on the values of trees and suggested changing the language that says single-family homeowners may be exempt to say they may be allowed to replace trees at a lower ratio. Ms. Charles Lis also added fish and invertebrates to the definition of wildlife.

Ms. Feldman said single-family homes are in a different category in the Bylaw itself which exempts them from the 25 foot no-disturb buffer.

Mr. Hayward said it is helpful to have some discretion given different circumstances.

Staff noted two items that need to be clarified for consistency with the draft Stormwater Regulations. That is the use of NOAA Atlas 14 rainfall data and the threshold for infiltration of

one-inch of rainfall over impervious areas. The Stormwater Regulations are being reviewed by the Town Solicitor and should hopefully be finalized within the next few months.

Ms. Charles Lis suggested formatting changes. Staff will make those changes and await the Stormwater Regulations from the Department of Public Works to be finalized.

Other

Ms. Feldman said that she was resigning from the Commission. She has been a member for several years and has enjoyed working with everyone.

Ms. Charles Lis said she would like to acknowledge Ms. Feldman's service to the Commission, noting that Ms. Feldman provide valuable input and put a great deal of effort into preparing for meetings.

Ms. Feldman asked the members to focus on drinking water and flooding issues and not just the regulations.

Staff will reach out the members not present tonight to schedule a dinner.

Approval of Minutes – January 10, 2019

Motion by Ms. Feldman to approve the January minutes. Second by Ms. Francis. Vote: 4-0-0.

Adjourn

Motion by Ms. Feldman to adjourn the meeting at 8:00 PM. Second by Ms. Francis. Vote: 4-0-0.