

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 16, 2011

APPROVED

Members Present: Patrick Flynn, Chair  
Gail Feldman  
Diane Francis  
Matthew Hobin  
Daniel McMorrow, Jr.  
Gus Murphy

Staff: Kelly Phelan

**Public Hearings**

**Notice of Intent DEP File # 8-608  
Watson Park –Gordon Rd./Department of Public Works**

Mr. Flynn opened the continued public hearing.

Tom Whalen, DPW Director was present with the project engineer, Fred Hamwey and the Landscape Architect, David Warner.

Ms. Feldman said that she voted the last time for draft conditions but she would like to open for discussion whether the splash pad should go in the park. She said she had new information since the last meeting including the pipe in the 25' no disturb buffer, another site visit, and the letter from an abutter (Andrew Buttarro).

Motion by Ms. Feldman, second by Ms. Francis, to open for discussion purposes rather than just look at the conditions under which it can be built. Vote: 6-0.

Ms. Feldman said she went to the park that day. She has new information – there will be a pipe in the 25' no disturb buffer and the site is 25' from a salt marsh which is a very protected resource. She said

parents will be sitting in the no disturb area and disturbing it. She said the project is dependent on parking being approved and the parking requires tree removal.

Mr. Flynn said the Commission was only discussing the proposal before it and the parking lots will have to be presented before the board when filed.

Ms. Feldman said she felt the Commission was working too quickly and that everyone should go out there and see it. She said staff got permission from DEP to consider the project redevelopment but that there is a difference between grass and impervious surface. She said there is little waterfront in Braintree and that Mr. Buttaro's note was informative.

Staff clarified that she had spoken to the DEP circuit rider when considering whether to view this as redevelopment or new development under the riverfront area regulations. The DEP circuit rider had advised her to look at the whole site and that its use as a park with several baseball fields pushed this toward redevelopment.

Ms. Feldman said the Commission has said it would protect the river and raised the issue of parents setting up chairs in the buffer and the effect on the salt marsh.

Tom Whalen, DPW Director, said the project is not impacting the salt marsh. Ms. Feldman said the pipe goes through the buffer to the salt marsh. Fred Hamwey, Hamwey Engineering, said that the 25' buffer would only be disturbed during construction and then it would be restored.

Ms. Feldman said vegetated areas will be disturbed by construction.

Mr. Flynn asked if were into turf or other vegetation at the end of the blue area shown on site plan. Mr. Whalen said just grass.

David Warner, Warner Larson Landscape Architects, said the splash pad would be oriented toward the playground in an existing grass area. Ms. Feldman said it wasn't grass. Mr. Flynn asked if vegetation would be removed. Ms. Feldman said vegetation had been removed. Staff said the area was primarily grass but there was some tall grass and shrubs as well.

Mr. Warner said there would be 24 linear feet of seating enclosed within the splash pad and a couple of benches outside of it near its entrance. He also pointed out the limit of work, 25 foot buffer, 100 foot buffer and 200 foot riverfront area on the site plans.

Mr. Warner when the rain garden is not in use the valve will be turned and the rainwater which falls on the pad will be directed into the rain garden. There will be an overflow pipe from the garden.

Mr. Warner said the pipe from the filter recirculation system is directed to the sewer system. Ms. Feldman asked if he could guarantee the pipe would never break. Mr. Murphy said it was impossible to make such a guarantee. Ms. Feldman said then we shouldn't put it near a salt marsh.

Councilor Joyce said that Watson Park had only 4 fields in 1964 and now it has 8 or 9. He said Captain Petersen donated money for a pool at Watson and the town has spent 47 years debating where to put the pool. He said the splash pad is an additional benefit for kids in East Braintree.

Mr. Murphy said he thinks the site will be properly restored. He said he read the conditions and doesn't see the project as heavy lifting.

Staff said she understood the concerns being expressed but that she doesn't see the splash pad as a threat to the salt marsh.

Mr. McMorrow said that he saw it as an improvement in an existing recreational area.

Andrew Buttarro, abutter from Argyle Rd., said he wrote the Commission a letter. Mr. Flynn thanked him for his comments. Mr. Buttarro said 30 or 40 years ago the park was all salt marsh. He said there is only a little left where it appears healthy and that is where the pad is going. He said small amounts of chlorine can be harmful to the organisms in a salt marsh. He said he heard the structure would be raised 2-3' and worried that it would add to flooding problems. He said he is also concerned that the parking is being considered separately.

Mr. Flynn said doing the permitting for the parking separately it is a risk the town takes. Mr. Buttarro requested the Commission require the proposal to be rewritten to include the parking.

Mr. Flynn asked if there were any motions.

Motion by Mr. Murphy, second by Mr. McMorrow, to issue the Order of Conditions. Discussion followed.

Ms. Feldman said she can't vote for it and there is very little salt marsh left in this town and the Commission should protect it.

Ms. Francis said that looking at the map of Watson Park the splash pad is hugging the coast when there is lots of other open space in the park.

Mr. Flynn asked Mr. Whalen if alternative locations had been considered. Mr. Whalen said the committee had looked at it and it wasn't cost effective to move the playground to the other end of the park. He said the committee recommended this end of the park. Councilor Joyce said that it was located near the playground so that parents could watch their kids in both areas.

Mr. Flynn called for a vote on the motion. Vote: 4 in favor (Flynn, Hobin, McMorrow, Murphy) – 2 opposed (Feldman and Francis).

Ms. Feldman said that the Commission had not gone over the conditions and asked if others read them. Mr. Murphy said he read them.

Ms. Feldman said that was not the vote. Mr. Murphy said it was the motion he made. Ms. Feldman said it was opened for discussion of whether they were going to do the project. She asked if anyone read the

conditions aloud. Mr. McMorrow said the conditions are emailed to members. Ms. Feldman asked if they read them and agreed with them. Mr. Murphy and Mr. McMorrow both replied "yes". Mr. McMorrow said that he has been to the site many times. Mr. Flynn said he had too. Mr. Murphy said his kids played ball there.

**Notice of Intent DEP File # 8-606**  
**915-1001 Liberty St./Sun Valley Estate's Homeowner's Association**

Mr. Flynn opened the continued hearing.

Jim Burke, engineer with the Decelle Group, was present with Anthony LaPuma, Trustee of the Sun Valley Homeowners Association.

Mr. Burke presented revised plans (dated June 13, 2011) based on the Commission's June 9<sup>th</sup> site visit.

Mr. Burke said that at site improvement area #1 (the existing stone revetment/retaining wall) he changed the location of the proposed deep sump catch basin to be at the low point of the driveway and he changed the cape cod berm to vertical concrete curb.

At area #2 he added a swale and a settling basin with sizing calculation. The settling basin will overflow to a catch basin which flows to dog house manhole to the wetland. He said the basin can hold 750 cubic feet, well over the required amount of 250 cubic feet (1" storm over an area of 3000 square feet = 250 cubic feet).

At area #3 he enhanced the rip rap to provide more of a silt trap.

At area #4 the only changes were the construction notes (which were added to all the areas).

Mr. Burke said that he had spoken to the town zoning officer that day and the zoning officer will require the travel lane width be maintained (rather than losing some of it to the parking spaces). This will require widening the pavement further. He said they could use pervious paving but they wouldn't get a lot of recharge because of the slope. He also suggested incorporating the swale into the paved area and asked what the Commission would like.

Mr. Flynn said it seems a little premature that they are before the Commission when the design has not been finalized. He advised Mr. Burke to work with staff and staff will report back to the Commission.

Ms. Feldman raised the issue that some of the houses have fill around the wetlands and there is an outstanding Order which needs to be addressed. Mr. Burke said they discussed at the last meeting conditioning that the old Order be closed out before this project can start.

Motion by Mr. Murphy, second by Ms. Feldman, to continue to July 16<sup>th</sup> so the applicant can revise his plans and staff can review them. Vote: 6-0.

## **Other Business**

### **Approval of Minutes**

Ms. Feldman said she wished to amend the minutes of the previous meeting (June 2, 2011). She wished to change her June 2<sup>nd</sup> vote to proceed to draft conditions on the splash pad project.

Staff requested the Commission consider a change regarding the conservation fund. They voted on June 2, 2011 to transfer \$46,308 from the conservation trust fund to the account from which the Commission spends. [Staff forwarded this vote to the Town Treasurer.] The Commission also voted to move the \$420,000 of the fund to the two-year CD. However, staff realized that the Commission should wait on this action until the Town Council votes on the Community Preservation appropriations in July. If the Council does not approve the Community Preservation recommendation to fund \$30,000 toward the Sunset Lake Stormwater BMPs project, the Commission would need to provide that \$30,000 so the money should not be locked up in a two-year CD until this is known.

Motion by Mr. Murphy, second by Mr. McMorrow, to delay action on moving the \$420,000 to the CD until the Council vote on Community Preservation recommendations is taken. Vote: 6-0.

Motion by Ms. Francis, second by Mr. Hobin, to approve the minutes of June 2, 2011. Vote: 6-0.