



Town of Watertown

Department of Community Development and Planning Conservation Commission

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Marylouise Pallotta McDermott, Chairman
Charles C. Bering
Patrick W. Fairbairn, Ph.D.
Leo G. Martin
Louis M. Taverna
Maria P. Rose
Stan Sadkowski

Christopher J. Hayward, Conservation Agent

MINUTES *Adopted April 6, 2011*

On Wednesday evening, **March 2, 2011** at 7:30 p.m. in the Philip Pane Hearing Room on the lower level of the Administration Building, the Conservation Commission held a public hearing. In attendance: **Marylouise Pallotta McDermott**, *Chairman*; **Charles C. Bering**, *Member*; **Patrick W. Fairbairn**, *Member*; **Leo G. Martin**, *Member*; **Maria P. Rose**, *Member*; **Stan Sadkowski**, *Member*; **Christopher J. Hayward**, *Agent*; **Louise Civetti**, *Acting Clerk*. *Absent: Louis M. Taverna, Member; Daphne Collins, Clerk*

Chairman Pallotta McDermott opened the meeting at 7:30 p.m.

1. Public Hearing Continuance – NOI 270 Pleasant Street at two sites to redevelop a 139 unit multi-story residential apartment building and a 35 unit multi-story mix-use retail and residential structure. Applicant: Heather Boujoulian, CDP Development Company, LLC; Property Owner: Chris Berardi, Pleasant Street LLC.

This case has been continued from the Conservation Commission meeting on January 5, 2011.

Chair Pallotta McDermott explained the continuance was required due to additional information being requested on: Shadow Study; Groundwater Study; Building Elevation; Storm Water; Flooding Downstream; Flooding Elevation 15; Timeline; Remedial Documents

Chair Pallotta McDermott stated they did receive a CD sent by the petitioner addressing the required information. She added DCR cannot attend this evening; however, they support working together with the petitioner. The length and height approved was not within their jurisdiction. She stated they have concerns for the future of Pleasant Street.

William York, Attorney, Gilman, McLaughlin & Hanrahan, representing the Petitioner, stated this petition appeared before the Planning Board on February 9, 2011 where approval was granted. The Special Permit was issued on February 23, 2011. He then explained the changes to the proposal: The west wall of the building was stepped back and the size reduce from 139' to 135' (174' to 170') and the front has been reduced 3', now at 62'; bollard pulled back and the fire department can safely access the east wing.

Heather Boujoulian, applicant, CDP Development, stated the Planning Board asked that the linear park be extended to Howard Street for access by the Community Path project. They will work with the Department of Public Works (DPW) on completing this portion of the Town's project.

Tim Williams, Allen & Mayor Associates, reviewed and addressed the list of concerns from the prior meeting:

- Emergency access for the fire department will be from the western side via the access drive and the fire lane on the eastern side. The material for the fire lane will be concrete pavers 18' wide on a concrete base or grass pavers on a concrete base. He acknowledges that the commission prefers grass; however, due to the possibility of a fire truck sinking into the ground and not having the proper stability, they will need to choose one of the above options.
- The building will be sprinkled as an MFPA requirement

- The impact to the Bike Path will be the increased use. They met with DCR and walked the length of the path stating they will remove the invasive species, provide financial contributions, and keep the area open to scenic vistas
- Erosion control will be by straw bales and mulch socks and not the hay bales previously mentioned
- Flood impact beyond 100 year storm: 500 year flood event shows Pleasant Street under water; however, the 8,000 c.f. flood storage built in on-site will decrease the potential
- What predicted the flood storage – 11.41 to 16.3 additional at 8,170 c.f.
- Impervious material in the no-build buffer – they are 50' within the no-build area. There is 13,000 s.f of impervious surface material now and 552 s.f. planned with pervious pavement for the three entryways to the river and the pocket park. There will be 366 s.f. of the bike path on their property.

On the Submitted Plans:

- The site sections showing the retaining wall at Howard Street will be a ready rock wall. The base will be 9' and then it will taper up
- Shadow study – shows in photos of stepped down building
- Flood elevation for 100 and 500 year floods; diagrams of floods; 200' – all dimensions shown on the plans.
- Groundwater contamination will be reduced over time

Keith Johnson, Haley & Aldrich added that the site was contaminated, a Response Action Outcome prepared and there is no significant risk at the site. It is substantially reduced, lower than significant risk (according to MCP).

Commissioner Rose asked what the petitioner had done a great job on addressing their concerns. She asked for clarity on the pervious material for the fire trucks as the material is a concrete slab with pavers on top – why would this not be counted as impervious. Commission Martin stated that a porous area on the 18' slab could be accomplished by putting a hole with 6-12" of stone below it.

Commissioner Rose asked about the RAO and noted that contamination was stated in a 3 volume document – section 6 shows the potential to flow into the river. Was there no surface water collected? The tank is contaminated, will it be replaced? She'd like the 5 outfall (culverts) that discharge into the Charles River addressed. Mr. Johnson stated that there has to show no risk (in order to move forward). They did surface water testing and it is included in the no significant risk report. They looked at other areas. He doesn't know if 5 outfalls were tested. He will check to be sure modeling was done.

Commissioner Martin stated that the older reports show the underground storage tank was not removed due to the foundation. Ms. Boujoulian stated that it will be removed.

Commissioner Martin asked about the effect of the lighting on the wildlife. Ms. Boujoulian stated the landscape plan shows the access to the river will not be open to the public after dark. The illumination will not spill over to the path.

Commissioner Sadkowski asked about the subsurface plan for the Howard Street parcel, stating there was no test pit or boring done, as yet. Mr. Johnson said that once the construction has started, they will test the site. They will work with the Conservation Agent. Mr. Johnson added that the DPW wants to expand infiltration. They will work with DPW. Brian Jones, Allen & Mayor Associates added that the 18' fill at Howard (the Howard Street lot) they are not required to infiltrate and this is a bonus. Mr. Johnson stated that once the developer owns the land, they will do the test. Commissioner Rose noted a problem with high ground water.

Commissioner Rose and Agent Hayward discussed a test at Newton Roofing Company (across the street) that showed groundwater 18" below grade. Agent Hayward noted this will be added to the special conditions list.

No one from the audience spoke on this petition.

Commissioner Bering moved to close the hearing. Commissioner Martin seconded. Voted 6-0 in favor.

Chair Pallotta McDermott indicated the Order of Conditions would be reviewed without interruption:

Special Conditions:

1. During construction, should any contamination be found over and above what has been explained, construction is to cease immediately and the Department of Public Works notified as well as the Conservation Agent.

2. The five (5) storm water outfalls will have sampling done quarterly. DPW is mandated by EPA. Two (2) will be eliminated. Reroute the roof run-off to connect these. The sampling will be done before starting construction during rain and then 3 to 6 month later during construction. The sampling will be done to any outfall directly connected to the property on Parcels 1 & 2. There will first be a baseline sample, then quarterly throughout the construction period. The Certificate of Compliance will be through Conservation Commission (CC) office. Commissioner Rose will submit (to the CC office) the EOC findings. There is a suggestion of looking through the prior submittal and documenting those findings. (This will be included in the standard order of conditions numbered in the 50's below)
3. The corning through the concrete slab is to be detailed along with a baseline report
4. Prior to any vista pruning, the developer will contact the CC Agent and DCR Representative to walk the property

Chair Pallotta McDermott reviewed the standard list of conditions by number, discussion as noted. Any number read into the record indicates that condition is to be included in the petitioners list of requirements.

18A (Registry of Deeds), B, C (Permits) & D, E

19

20

21 – Concern of Dan Driscoll as there may be an old gas line

22 – Important for instruction

23 – Names and telephone numbers of supervisors on site

24

25 Has been done. There are no additional changes. If there are changes, include this.

26

27 – About the CC having the right to enter the site.

28 - Monthly

29

30 - Timing of plantings

31 – Disposing of debris or cuttings

32

~~33~~ Included

34

35

36 – Hopefully, there will be no more snow to be concerned with. They do not want to start planting soil

37 Included

38

39

40

41 A, B, C, D, E, F, G,

42

46 include from prior discussion

46 & 47 add to above

48

49

50

51

52 (location)

2. **Minutes of the January 5, 2011 Meeting** – Changes were reviewed and suggested. Commissioner Rose motioned to accept the minutes as amended. Commissioner Martin seconded. Voted 6-0 to adopt the January 5, 2011 minutes.

3. **Old Business:**

Whitney Hill Report – In regards to the expense quoted by one surveying company, Agent Hayward has a call into the Mt. Auburn Cemetery for names (of civil engineers) that may be less expensive.

Recycling Center/Filippello Park – Agent Hayward stated the Planning Board requested (and the Zoning Board conditioned their approval on) the Mt. Auburn Cemetery (providing the 10 year use of a parcel of land on Grove Street) for the Town's recycling center. It is now up to the town to move this project forward. Steve Magoon, Director of Community Development and Planning and Susan Falkoff, Town Councillor, will follow-

up. Vincent Piccirilli, Town Councillor, stated that their budget review revealed funds have been approved for the renovation of Filippello Park for the next fiscal year.

Storm Water Advisory Commission – Commissioner Rose stated that at their meeting last month they discussed: 1. Prohibition of elicited storm drain systems; 2. Second ordinance may be done on March 17 for soil erosion; 3. They are looking for a speaker for the viewing of “After the Storm” at the library on April 7th

GSA – Commissioners Rose and Martin attended the meeting; the representative did not stay. Others pressed for more information. The next meeting is in April for their draft proposal. They will only accept mitigation on that property

4. New Business

a. Victory Field Artificial Turf – Discussion, Patrick Fairbairn – What are the long term effects of turning grass into polyethylene? Dr. Fairbairn read his report into the record. A copy has been sent to the commission via e-mail. Councillor Piccirilli noted that a technical presentation has been provided to the town. Questions were asked by the Conservation Commission regarding who gave the presentation, when was it; who was invited? Councillor Piccirilli stated that CDM gave the presentation to the Town Council at a public meeting. He added that this location is not considered open space but an ‘athletic facility’, defined as a designated space for athletic use. This is no different than any other use that needs renovating. No other town land is available for a field and they cannot purchase land for athletic use. He added that virgin rubber will be used and 1.67 acres will be replaced. This is not included in the town-wide conservation land. Chair Pallotta McDermott stated that they could have used the Gore land. Councillor Piccirilli noted that re-sodding every other year is a \$100,000 expense; the field cannot be used for more than 2 hours a day or the grass dies. Some teams have taken buses to other areas to practice (on the artificial turf). He further explained that this has been on the Capital Improvement Project list for two years and they have done their due diligence. This presented the best value. He noted in regards to Dr. Fairbairn’s report, all storm water is retained on the site; heat is not an issue in New England (in southern states it is more of a concern); the price has dropped in the past 4 years as there are more manufacturers equaling more competition; and all aspects have been considered.

Commissioner Rose motioned to create a letter addressed to the Town Council based on the information provided by Dr. Fairbairn. Commissioner Martin seconded. Voted 6-0 to draft a letter. Commissioner Rose will send comments to Dr. Fairbairn and Dr. Fairbairn will revise his letter and send it via e-mail for the Town Council.

Documents reviewed: Letter dated March 2, 2011, submitted on March 2, 2011 from Dr. Fairbairn.

5. Agent Informational/Update

Commissioner Bering motioned to adjourn. Commissioner Rose seconded. Voted 6-0
The March 2, 2011 meeting of the Conservation Commission adjourned at 9:50 p.m.