

Minutes
Watertown Conservation Commission
Lower Hearing Room
Wednesday, May 4, 2011
7:30p.m.
Adopted June 1, 2011

Conservation Commission Members Present: Marylouise Pallotta McDermott, Louis Taverna, Leo Martin, Maria Rose, Patrick Fairbairn, Charles Bering, Stan Sadkowski

Staff Present: Christopher J. Hayward, Daphne M. Collins

Members of the Public Present: See Sign-In Form

Pallotta McDermott chaired.

1. Public Hearing Continued – NOI – 71 Arlington Street, 321- 0145, WWO-11-03 construction of a pervious pavement parking area with landscaping and buffer zone enhancement planting. Applicant/Property Owner: Maximos Hatziliades

Mary Rimmer, Rimmer Environmental, identified the definition of wildlife habitat to be limited to “important” wildlife wetland conditions such as streams, bank undercuts, overhanging branches, native species, high value food plants, and connectivity to adjacent resource areas to name a few.

In contrast, she noted that 71 Arlington Street contained non-native species, storm water discharge, contaminates, fill material as a result of being a dumping ground, poor soil, and vegetation associated with disturbed areas (Norway Maples, Japanese Knotweed, Garlic Mustard, Phragmites). She mentioned that the area was disconnected, cut off by roadways and a steep slope. She stated that wildlife had adapted to this area but that the area did not support a diverse wildlife community. She maintained that the proposed mitigation would improve the overall vegetation, presence of native species, diversity, and wildlife.

Fairbairn contended that replacing the wildlife with a parking lot was questionable. He claimed that mitigation has to preserve and maintain the resource area. He noted that Sawins Pond had been identified as an important site under the Watertown Open Space Plan.

Pallotta McDermott read the DEP Comment Statement for the project: *Aerial photos show mature and significant growth including trees in Riverfront Area. MassDEP has concerns regarding topsoil assessment and that proposed project does not result in an improvement over existing conditions of the riverfront area to protect the interests identified in the WPA.*

According to Rick Salvo, Engineering Alliance, the comment was made by the Nancy White at DEP from Google Map and not a site assessment.

Hayward stated that the soil conditions were less than quality and it supports mostly scrub trees. He reported that the proposal was at less than a 1:1 ratio. He recommended that the restoration effort be improved.

According to Rimmer, the proposed project will be located in the area where it's mostly scrub vegetation, utilizing only 20% of the five-acre site. She reported that the footprint of the project had been substantially decreased and was located outside the no-build area.

Rimmer noted that the "no build zone" was not consistent with the Wetlands Ordinance and was well beyond the resource boundary. She identified a 40' to 50' gap, between the wetlands area and the "no build zone" which begins at the break in slope above the boundary flags and runs for 50'.

Martin asserted that break in slope above the wetlands resource area boundary was part of the 1987 Watertown Wetlands Ordinance and was there to extend the area protected by the CC.

Pallotta McDermott suggested continuing the Public Hearing to the next meeting to allow time to get legal advice regarding this issue.

Vote: Fairbairn moved to continue the Public Hearing to the June 1, 2011 CC meeting. Martin seconded the motion. The motion was unanimously approved.

2. Public Hearing – NOI – Pleasant Street, Dealtry Pool, 321-0146/WWO-11-04, to disconnect the current pool drain line from discharging into the Charles River and connect it into the Town's sewer main. Applicant/Owner: Department of Conservation and Recreation

Bering recused himself.

Joseph Skymba, McGuire Group Inc, reported that DCR's Dealtry Pool drains directly into the Charles River. The proposal is to connect the drains directly to the public sewer system with pvc piping and to be in compliance with code. Symba assured that the pool water will be chlorine free when discharged into the sewer.

Hayward informed that the DPW is satisfied with the proposal. He noted that the proposed work will be contained within the pool fence far from the river. Hayward will meet with the applicant at the preconstruction meeting to implement the erosion control measures.

Vote: Rose moved to approve the NOI for DCR's Dealtry Pool with conditions. Taverna seconded the motion. The motion was unanimously approved.

3. Public Hearing – NOI – Waltham Street Apartments, Waltham Street, DEP# Pending/WWO-11-05, to develop a two five-story apartment buildings and one four-story apartment building containing a total of 222 apartments, including 372 parking spaces and site amenities. Applicant: Richard Dickason, WP East Acquisitions, LLC. Owner: LIG-JCDS Realty Holding Company, LLC

Steve Winnick, attorney for the applicant, described the proposed three apartment building project containing 222 apartments, including 372 parking spaces, walking trails and site amenities. Winnick requested that the CC walk with the applicant to define and establish the area's no build zone. According to Winnick, only 9.5 acres of the 19 acres site will be developed.

Martin requested that the applicant refer to the area's "no build zone" identified by Woodlot Engineering, a consultant hired by the CC to delineate the area in 2003.

Winnick reported that the proposed project will decrease the impervious area by 29% and increase the drainage at the site.

Kevin Maley of Wood Partners, the developer of the project, described the portfolio and experience of Wood Partners, a national multi-family developer.

John Bensley, of Beals & Thomas, engineer for the applicant, depicted the area as paved and in significant disrepair. He described the area around Walker Pond and the kettle as wooded. He informed that there was a Preservation Restricted Area for a former farm on the site which will not be disturbed by this project. He mentioned that illegal dumping at the site was an issue. According to Bensley, Beals & Thomas has flagged the bvw areas.

Bensley reported that the project proposes a total of 372 parking spaces with 147 spaces to be located under the buildings. Rain gardens will be installed to infiltrate storm water and promote groundwater recharge. Post construction, there will not be an increase of runoff into the site pond. He concluded that with the residential development there would be less dumping of trash and debris around Walker Pond.

Pallotta McDermott asked about the benefits to the neighborhood. Bensley responded that they will provide pond access to the public, they will not be building in the "no build zone," they will be placing erosion controls around the full perimeter of the pond, they will protect the vegetation within the resource area, they will improve the water bodies on the site, and they will limit the proposal outside the AUL.

Martin urged that the water level flow to the ponds be maintained.

Rose thought the Storm Water Plan was satisfactory.

Sally Cristie, 99 Edwards Road, was concerned that the improvements to the pond committed by with Repton Place were not done.

Pam Goodman, President of Beacon Properties, responded that there were no promises made by Repton Place to improve the pond. The pond is not located on their property and the pond restoration was not part of the project.

John Lawn, State Representative, expressed his interest in joining the site visit.

Kevin Maley stated that a community meeting was held on May 3, 2011.

Mary Flynn, 66 Edwards Road, was concerned about the environmental issues at the site. Based on her review of the plans, she noted that Building Three was in the 150' buffer zone.

Kevin Maley responded that an environmental investigation had been conducted and that they were aware of the AUL (Activity and Use Limitation) and that the project was outside the AUL.

Ted Doyle, COO of LIG, reported that the property had been studied and that the project was in the area that had been determined to be clean.

Frank D'Agostino, Rutland Street resident, inquired when the last sampling was done and whether the report was available. Kevin Maley responded that it was conducted in July 2010 but that the information was confidential. The public wanted to know why the report was confidential and its confidentiality raised their concerns about hazardous materials on site. Pallotta McDermott assured the public that the CC can request the report as part of the Order of Conditions.

Rick Dickason noted that the study results were filed with the DEP. Winnick reported that LIG did a comprehensive study which led to the AUL. That study was conducted in 2007.

Frank D'Agostino inquired when the public would be notified if they disturbed an existing contaminated area. Maley responded that they are required to notify the state if they disturbed a contaminated site.

Concerns were raised about the potential of the contaminated materials being released during construction and its proximity to an adjacent school.

According to Pallotta McDermott the next steps would be to conduct a site visit to determine the no-build area and the degree of project encroachment into that area.

Rose proposed that a 3rd party review the 2007 LIG study. Pallotta McDermott recommended that Anne Marie Desmarais be hired as the Town's consultant. The costs to be paid by the applicant.

A site visit is scheduled for May 20 at 3pm.

Vote: Taverna moved to continue the public hearing to June 1, 2011. Rose seconded the motion. The motion was unanimously approved.

4. Certificate of Compliance – 20 Seyon Street, 321-0122/WWO-06-01

Hayward reported that the project was completed.

Vote: Taverna moved to issue a Certificate of Compliance for 20 Seyon Street. Martin seconded the motion. The motion was unanimously approved.

5. Certificate of Compliance – 118 Pleasant Street, 321-0116/WWO-05-03

Hayward reported that the project was completed.

Vote: Bering moved to issue a Certificate of Compliance for 118 Pleasant Street. Fairbairn seconded the motion. The motion was unanimously approved.

6. Minutes of the April 2011 Meeting – approved.

7. Old Business

Item	Update status
Whitney Hill Report	Pallotta McDermott provided Hayward with information of marker costs obtained through Mt. Auburn’s source.
Victory Field – Synthetic Surface	Fairbairn to edit CC’s letter to the TC regarding the synthetic surface issues.
Recycling Center/Filippello Park	Magoon is in possession of letter from Mt. Auburn Cemetery offering usage of their property for 10 years as a recycling site. CC to meet with the DPW Subcommittee regarding this issue.
Storm Water Advisory Commission	A public education event was held at the library on April 7, 2011. The completed first ordinance has been forwarded to TC. The second ordinance is in final draft.
Rivers Protection Act	Gideon Shriver, Senior Planner, is updating the RPA areas on the Town’s GIS map.
GSA	Hayward met with ACE & DCR potential mitigation sites.

8. New Business

Stan Sadkowski will no longer reside in Watertown and has resigned from the commission.

9. Order of Conditions – Dealtry Pool, 321-0146/WWO-11-04

Bering recused himself.

Conditions selected: 18a, c, d; 21, 22, 24, 25, 26, 27, 31, 34, 36, 37, 38, 39, 40, 41a, b, g.

Meeting adjourned at 10:44pm.

