

Minutes
Watertown Conservation Commission
Lower Hearing Room
Wednesday, June 1, 2011
7:30p.m.
Adopted July 13, 2011

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

Conservation Commission Member Absent: Maria Rose

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**

Pallotta McDermott announced that the *No Build Zone* is defined as it appears in the Watertown Wetlands Ordinance.

Rick Salvo, engineer for the applicant, reported that a detailed planting plan was submitted and that the project will be an improvement over existing conditions. He noted that the enhancement area is double the size from what was originally proposed. According to Salvo, 21% of the site will be paved with the remaining as resource area.

Mary Rimmer, Rimmer Environmental Consulting, LLC, informed that the enhancement area plants were selected for their habitat characteristics and being native to the area. Rimmer concluded that the enhancement area was designed to protect the resource area.

Fairbairn noted that the site is an important wildlife habitat for the Town. He reminded the CC that the proposed development site lay almost completely within a Riverfront Area, and consisted entirely of vegetated wildlife habitat. He cited the relevant sections of the Watertown wetland regulations that protect the Town's Riverfront Areas, noting (1) that significant wildlife habitat is one of the resource values protected from development in Riverfront Areas, and (2) that wildlife habitat is considered significant if it "plays a role". He therefore concluded that the proposed parking lot would permanently eliminate significant wildlife habitat, and that he could not support the proposed project. He held out the possibility of alternative mitigating actions that could be explored with the applicant, citing this property's listing by the Town's Open Space Plan for such attention.

Richard Nysten, attorney for the applicant, questioned the public interest in the site as Open Space as it was the first time he had heard of it. Nysten stated that the process to demonstrate a public interest would have been to have appraised the property, sought an agreed estimated price, and raised funds to purchase the property from his client. According to Nysten, none of these steps have been taken by the Town to demonstrate such an interest. He did not feel it was appropriate to raise the Open Space interest for the site when the applicant was applying to develop a parking lot. At considerable expense, his client determined that a parking lot was the best usage for the property and the Town can purchase it as such. He felt that the project was using the least valuable section of the property for the proposed parking lot and that the proposed enhancements would improve the resource area.

Bering inquired about the storm water controls for the site. Salvo noted that the porous asphalt pavement will be placed over layers of gravel to allow water infiltration. In addition, they were installing 10 tree box filters.

Hayward was concerned that the tree box filters would be compacted without a curb for protection. Salvo suggested installing bollards to provide protection from compaction.

Vote: Taverna moved to close the Public Hearing portion of the meeting. Martin seconded the motion. The motion was unanimously approved.

2. Public Hearing – NOI – Waltham Street Apartments, Waltham Street, DEP# 321-0147/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

John Bensley, of Beals & Thomas, engineer for the applicant, reported that a site visit was conducted on May 20th to view the property and determine the bvwm. Stacey Menahan, the wetlands scientist for the applicant, attended. A list of identified vegetation was given to Chris Hayward, who distributed it to the CC. Based on the site review, the proposed plan was outside the wetlands and the local 150' buffer zone.

Pallotta McDermott was concerned with the parking spaces in the buffer zone. She would like those spaces removed from the buffer zone. Bensley responded that the parking cannot be relocated under Building 2 because of height restrictions. Pallotta McDermott indicated would not vote for the project unless this issue was resolved.

Anne Marie Desmarais, consultant for the CC, wants to review materials regarding the site and the AUL. She wants to determine if the construction will impact the ground water. Presently the area is paved and the proposed project will eliminate approximately 20% of the pavement. She suggested that the drainage capacity should match the increased load. Pallotta McDermott wants Desmarais to review the reports.

Steve Winnick, attorney representing the applicant, reported that the proposed project will go through all the Town Boards before coming to the CC with the final plan.

Fairbairn spoke in support of the recreational value of the site and pathways allowing public access to the resource area. Pallotta McDermott noted that the OOC could include the installation of walkways and paths along the ponds.

Mary Flynn, 66 Edwards Road, supports public access along Walker Pond.

Pallotta McDermott requested that the item be continue and that the item come before the CC after the applicant has been reviewed by all other Town commission and boards.

Vote: Taverna moved to continue the public hearing to July 13, 2011. Bering seconded the motion. The motion was unanimously approved.

Hayward recommended that interested citizens sign-up for the Conservation Commission “Notify Me” alerts and that CC office will post meeting notices.

Desmarais was concerned that the increased hydro loading resulting from the project may release contaminates (chlorinated solvents) from Waltham to the Watertown site.

3. Minutes of the May 2011 Meeting – approved.

4. Old Business

Item	Update status
Whitney Hill Report	Magoon to check if Mee can install the available markers purchased through the Mt. Auburn Cemetery. Falkoff to discuss with Magoon the advancement of Whitney Hill Conservation Restriction through Town Council.
Victory Field – Synthetic Surface	Fairbairn to edit CC’s letter to the TC regarding the synthetic surface issues.
Recycling Center/Filippello Park	Town continues to pursue an alternative site for a recycling center.
Storm Water Advisory Commission	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	No update.

Due to extreme weather conditions the meeting was interrupted at 9:45pm and was continued to June 8, 2011 at 6pm in the 3rd Room Conference Room – Pallotta McDermott, Fairbairn, Martin and Bering were in attendance. Hayward staffed.

Fairbairn stated that he assumed that the closing of the hearing did not automatically signify project approval in consideration that the legal and technical objections he had raised remained undiscussed by the other members of the Conservation Commission, and that no vote for or against the project had been taken.

5. Order of Conditions – 71 Arlington Street, 321- 0145, WWO-11-03

Vote: Pallotta McDermott, Martin, Bering voted to accept the NOI for 71 Arlington Street. Fairbairn opposed. The NOI was accepted with conditions.

Special Conditions:

- the landscape plan shall be maintained in perpetuity;
- the owner shall retain a wildlife biologist to monitor and maintain the quality of the wildlife habitat as proposed. The report shall be provided annually with recommendation for required replacement and maintenance;
- protective bollards shall be installed at all tree pits.

Conditions selected: 18a, b, c, d, e; 19, 22, 23, 24, 25, 26, 27 such right to enter shall also be for the purpose of assessing restoration effectiveness, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41a, b, c, f, g.

