

Minutes  
Watertown Conservation Commission  
Lower Hearing Room  
Wednesday, February 6, 2013  
7:30p.m.  
*Adopted March 6, 2013*

**Conservation Commission Members Present:** Marylouise Pallotta McDermott, Leo Martin, Maria Rose, Lou Taverna, Charles Bering

**Conservation Commission Member Absent:** Michelle Gauvin, Patrick Fairbairn

**Staff Present:** Christopher J. Hayward, Daphne M. Collins, Steve Magoon

**Members of the Public Present:** See Sign-In Form

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Pallotta-McDermott chaired.

**1) Notice of Intent Continuance – 192 Pleasant Street, 321-0153, WWO-12-04, to redevelop the site to construct one 14-unit building. John B. Wise, Burkhard Corporation, applicant; Robert Cass, owner.**

Steve Magoon noted that public hearings for the Planning Board and Conservation Commission met on the same evening in January regarding 192 Pleasant Street. To insure that scheduling conflict doesn't occur in the future, public hearings will be limited to one board at a time.

William York, attorney for Burkhard Corporation, introduced the team for 192 Pleasant Street. He emphasized that the proposed project meets the redevelopment allowance under the "no build" as it will be a significant improvement to a degraded site.

John Wise, Burkhard Corporation, informed the economics of the site is difficult as 35% of the site is limited by the no-build zone, utility easements and contamination. The initial proposed development was decreased to get out of the no build zone. Other improvements include the exterior color palette as proposed by Dan Driscoll, removal of invasives and enhanced native plantings and storm water controls.

Brad McKenzie, engineer for the applicant, highlighted the key points of a letter by ECR, dated 1/28/2013, which demonstrated how the project is a significant enhancement to the environment based on the standards established for redevelopment work within a previously developed riverfront area.

J. P. Shadley, Landscape Architect for the applicant, reported that he met with DCR for their feedback on plant material. He noted that removing the invasives, creating view sheds and ongoing management were priorities. He indicated that the plan is to create good screening while providing for wildlife habitat, blending the property landscape with DCR's. DCR approved

the over 100 native new shrubs proposed. York believed that there was no reasonable alternative to building in the no build zone. His rationale was that the proposal was a redevelopment of an existing degraded, developed site and that the improvement would significantly improve the present conditions.

Pallotta McDermott said the following:

*“As Chair of the CC and Member of the CC for 31 years, I have serious concerns about this project.*

*In all of our previous hearings the Commission has always strongly opposed violating the No Build Zone, even when it was an infringement of a few feet. The No Build Zone means exactly what it says NO BUILD. Voting in favor of this project going almost 20 feet into this area is going to open a can of worms which other developers will refer to when they too want to violate the No Build Zone.*

*I have serious concerns about this project because of its proximity to the Charles River. As a matter of fact it is one of the closest projects being built almost on the river. I have visited the area on three occasions and am alarmed that we are planning to place such a large building, which for all intents and purposes is five stories high, so close to the River. From the River it will look like an enormous wall almost on the banks of the Charles River.*

*I have serious concerns because of the impact the Dogs and Cats who would be living in the fourteen planned units will have on the Wild Life in the River and on the River’s edge. We have a responsibility to protect the Wild Life living there. We have been told on numerous occasions that it is a responsibility of the Conservation Commission to protect the Wild Life at these locations. Dan Driscoll from DCR also gave this as important reason for being against this project.*

*I disagree with the petitioner saying that the project should be approved because the area has much hazardous waste on site. This is no reason to support this project. The state can and should force the owners of the property to clean the site. If the current owner is a new owner, I am sure that at the time of purchase, the banks required funds to be placed in escrow so that if in the future, such waste was discovered, there would be funds available for the clean up.”*

Wise responded that the proposed building will be along the street side of the property and will not be as tall as other existing structures. In addition, he noted that regulations limiting pets are difficult to implement. Rose also requested that the pets be limited. Wise replied that as condo units pet restrictions cannot be implemented.

York noted that the site, as required for residential use, will be cleaned up and new flood controls will be installed. In addition, the applicant will work closely with DCR.

Rose inquired if the wetland flags were in the degraded area. Hayward answered that the wetland boundary flags are in the degraded area north of the boardwalk.

Members were concerned about cars in the proposed parking lot during a flood occurrence when the lot could be submerged under one foot of water. The applicant countered that there would be plenty of warning to the residents to remove their cars before such an event.

In response to Bering's inquiry about remediation, Wise informed that the full extent of the remediation is unknown until the building is removed.

Rose requested that there be a one year guarantee on the plant installation. Hayward suggested that the standard time be increased to 3 years.

Martin did not like the project projecting into the no-build zone. He suggested that the driveway be made narrower to increase the swale. The applicant responded that the width of the driveway was established by the Zoning and the Fire departments and the swale is designed to handle conditions resulting from a 100 year storm.

Cindy Nelson, 193 Pleasant Street, did not support the building expanding into the 50' no build zone.

Darryl Samson, 151 Pleasant Street, was concerned about the grading of the lot and the flooding that occurs in the neighborhood. Martin responded that the proposal will have more compensatory storage and will not flood the neighbors. Rose included that the pavers, rain gardens, swales, vegetative buffer will all improve absorption of water.

Margaret Pacious was concerned about the contaminated soil at the site. She was also concerned about the loss of river breeze and flooding. Wise assured that 1600 cubic yards of contaminated soil will be removed and cleaned to DEP standards. York added that the clean-up standards are stronger than for industrial use.

Coleen Sexton, 193 Pleasant Street, urged the CC not to break precedent allowing the development into the no-build zone. She thought the existing access to the Charles River path was sufficient and did not support the additional access proposed. Wise responded that the access is to coordinate with the street light, making it an improved, safer pedestrian connection.

Susan Delong, 26 Conant Street, did not support the proposal due to flooding, the additional lighting associated with a complex and the scale.

Siobhan Murphy, 79 Myrtle Street, opposed the project and urged the CC to protect the river.

Margaret Cameron, 82 Pleasant, unable to attend the meeting, wanted to go on record that she strongly opposed the proposal.

The public hearing section was closed.

**Note:** Rose moved to issue an OOC for 192 Pleasant Street, #321-0153, WWO-12-04. Martin seconded the motion.

Ayes: Rose, Bering, Martin

Noes: Pallotta McDermott

The motion was adopted (3-1)

Special Conditions are:

- maintaining and guaranteeing the plantings for 3 years
- condominium documents shall exclude cats and dogs
- copy of the results of soil samples and remediation shall be provided to the Conservation Agent

18a, b, c, d, e, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 39, 40, 41a,b,c, f, g.

**2) Minutes of the January 2013 Meetings – Tabled.**

**3) Old Business-Tabled.**

Item	Update status
Whitney Hill Report	TC subcommittee is reviewing language to allow dogs on leash. Land to be surveyed. Proposed is that TC will be in “care and custody” of site. CC to be responsible for the annual maintenance report and public education of the land.
Recycling Center/Filippello Park	New recycling center being developed. DPW has not relocated recycling operations off of Filippello Park.
Storm Water Advisory Commission	The second ordinance has been docketed with the Subcommittee. The Storm Water Commission finalized the third ordinance.
GSA	All buildings to be taken down and the area will be allowed to revert to wetlands. Project to be completed in 12/13. Fairbairn requested that ACE inform CC about their plans before commencing work. Martin wants to see a grading plan. Hayward noted that he has contacted Iorio about the development schedule and has had no response. No work has started.
CPA	CC supports pursuing CPA for open

	space acquisition. Fairbairn to discuss with Magoon.
No Build-Zone Regulations Update	Collins to update Rules and Regulations with the new approved language

Meeting adjourned at 9:30pm.