

Watertown Conservation Commission

Lower Hearing Room

Wednesday, September 3, 2008

7:30p.m.

Conservation Commission Members Present: Pallotta-McDermott, Martin, Bering, Fairbairn, Hammett, Rose

Staff Present: Hayward, Collins

Members of the Public Present: See Sign-In Form

- 1. Public Hearing Continuance – NOI 69 Howard Street, drainage system improvements to existing parking area. Newton Roofing Company, Shawn Bryan, owner and applicant.**

Vote: Hammett moved to close public discussion and that the Order of Conditions for 69 Howard Street proposed at the July 16, 2008 Meeting be adopted. Rose seconded the motion. The motion was unanimously approved.

- 2. Request for Certificate of Compliance – 140 Pleasant Street, 321-0105/WWO-03-05 Amended, Claudio Coppolla**

Hayward reported that the applicant has submitted a Request for a Certificate of Compliance for the retaining wall only. All other work proposed under the OOC is withdrawn and a new NOI will be submitted for a substantially changed development. The new NOI will contain the uncompleted aspects of the project such as landscape and its maintenance plan.

Peter Gammie, PE and representative of the applicant, informed that a team is developing the new project which is not complete. He indicated the OOC was expiring. In light of the upcoming proposed redevelopment of the site, he proposed that the incomplete landscaping be done at the time of the new development under a new NOI. He noted that an additional retaining wall section, not part of this NOI, will be proposed in the new NOI. He asked for a COC for the completed two-tiered interlocking block retaining wall be issued a Certificate of Compliance.

Hammett inquired why not amend the present NOI and ask for an extension. Martin noted that the only item completed under the OOC was the retaining wall. Hayward noted that under DEP the closure of this OOC was preferable to expiration.

Hammett and Rose inquired about any erosion issues. Hayward indicated that all erosions controls had been removed satisfactorily.

Rose asked if the COC could be contingent on the repair of the old retaining wall. Hayward explained that the old retaining wall is not part of this OOC. In addition, Gammie commented that the maintenance plan is not applicable since the Stormceptor proposed under this OOC was not installed.

In response to an inquiry by the CC, Gammie informed that the planned project under consideration will be a 3-story, 40-unit residential project with underground parking. An adjacent parcel has been acquired by the applicant that will be included in the project. This parcel has an existing 2-family structure which will be demolished. Gammie noted that the project is not in the proposed Pleasant Street District. He indicated that a team of engineers, architects and surveyors are working on the project. Hammett expressed concern for the storm water issues. Rose suggested that low-impact development be considered.

Vote: Bering moved to issue a Certificate of Compliance that is limited to the installed 2-tiered interlocking block retaining wall at 140 Pleasant Street under the OOC #321-0105/WWO-03-05 and that all remaining work not undertaken be withdrawn. Hammett seconded the motion. The motion was unanimously approved.

3. Old Business

Item	Update status
Whitney Hill Report	Pending legal counsel.
Recycling Center/Filippello Park	Hammett to write a draft letter to the TC and Manager requesting a temporary location for the Recycling Center at a time agreed by the CC.
Stormwater Management Standards	Rose reported on the TC Joint meeting of the DPW & Rules regarding PW - Mee does not have staff to check water and sewer connections when property changes ownership. Bering and Hammett disagreed whether CC has jurisdiction on this matter.
Gore Estate	TC discussed item in Executive Session in December 2006. No update. Hayward informed that the Jewish Community Day School purchased the parcel north of their school to be used for playing fields.
Ordinance	Joint meeting between the Town Council's Public Works and Rules Subcommittee recommended the adoption of the CC ordinance.
Pleasant Street Master Plan	Hammett updated. Special exceptions to developments may have CC review.

4. **Minutes of July 16, 2008 – Adopted.**

5. **Informational – Anne Marie Desmarais’ review of MACTEC Scope of Work at GSA site (Arsenal Street and Greenough Blvd) and review of Draft Tier II Extension for the Sawins and Williams Pond property (Arlington Street and Coolidge Avenue)**

A) Review of Draft Tier II Extension for the Sawins and Williams Pond property (Arlington Street and Coolidge Avenue) - Anne Marie Demarais reported that a Downgradient Status was filed for the site. However, the report failed to identify the source.

Bering suggested that a letter to Vineyard Engineers be issued to obtain a copy of the RAO statement as soon as it is released. He also recommended that a letter to EOEA be sent cautioning recreational fishing downstream of this property without remediation.

Demarais recommended the following steps: review of the RAO statement when it is issued; identify the 20-days timeline for addressing the wetlands portion of the RAO; write the

comment letter for the CC; identify the 60-days timeline allowable for a response to CC's comments by Vineyard Engineers. Demarais informed that the CC comments will be attached to Vineyard's response. Demarais will attend the Public Meeting and will write a draft letter within a week; she will attend a meeting of the CC to review the letter. Demarais will make revisions and provide a final letter to Hayward for submission.

Demarais was concerned about the Risk Assessment scope regarding the hydraulic conductivity of rubber. She wanted more data and discussion on how the gasoline identified was going to be addressed.

Hayward noted that NSTAR has sent a representative to check the file.

Hayward will check with Steve Flemming at Vineyard Engineering to request that an electronic draft be sent to Demarais before the meeting.

B) MACTEC Scope of Work at GSA site (Arsenal Street and Greenough Blvd –

Falkoff explained that the site needs to be cleaned up for its intended use for "passive recreation" before it is deeded to DCR.

Rose was concerned that the plan does not remove the soil.

Hammett inquired about the condition of the reverter clause. Ernesta Krackiewicz, 77 Riverside Street, responded that the reverted land has to be in the condition of DCR's intended use. Bering suggested that it be reverted to its original wetlands status as per the CC wish.

Falkoff noted that the site has been proposed as soccer fields and as a recycling center.

Pallotta McDermott inquired as to the status of the Inspector of Buildings condemning the property. Falkoff responded that that solution was not strategic. She noted that the Inspector of Buildings has the authority to place a fence around the property but does not have authority to demolish the building. Pallotta suggested that if the buildings were removed it would become apparent that the area is a wetland.

Demarais explained that the contamination at the site is within three feet from the surface which will restrict the use allowable.

Falkoff noted that an AUL was written without the last results which identified PCBs at the site. She noted that there are some who question the existence of PCBs.

Demarais reported that an AUL cannot prevent usage for wildlife; an AUL is limited to human use.

Kraczkiewicz commented that DEP staff does not believe there is an issue of PCBs at the site. She was concerned that there was not enough sampling at the site – in particular, nickel levels. She noted there were no samplings for nickel. She informed that there was no western site data sampling as requested by Desmarais. She said that Ellen Iorio of ACE, told her that the northern part of the site was allowed to expire and wasn't analyzed because they thought it was clean.

Demarais responded that nickel is an anomaly and it is a metal of concern. She expressed that the Ecological Risk Assessment is key.

Martin noted that the wetland delineation done by the ACE was larger than the one identified in the GEI report.

Hammett was concerned about off site migration of contaminants. Demarais responded that local conditions do apply to the receiving riverways. However, the source of PCBs are difficult to identify because they are so ubiquitous.

Hammett suggested that Demarais look at the previous Ecological Risk Assessment. Kraczkiewicz noted that an ERA was filed. Martin indicated that it would have to be updated since it did not include the PCBs.

Hammett wanted more efforts to be done to insure CC is informed. Demarais informed that since it's not a PIP there is no requirement to inform the CC. Rose indicated that under

the MCP process an abbreviated NOI needs to be filed for sampling. Demarais responded that a MCP process does not regulate federal property.

Hayward noted that federal land does not need to file but they do need to inform. He said that according to Bob Davis, the ACE did follow the wetlands ordinance as a courtesy to the CC.

Demarais informed that the CC is waiting to look for data gaps and that the CC needs to wait for the report to be issued.

Demarais asserted that she had the most recent wetland delineation in response to Martin's inquiry.

Hammett urged the CC to be prepared to respond. She suggested that the CC letter be resent to the DCR Commissioner with copies to Falkoff and Kraczkiewicz. Hayward asserted that he had sent the letter to the interim commissioner.

6. Whitney Hill Woods Discussion

Bering argued that it was unnecessary to transfer the Whitney Hills parcel to CC since its original use was established for recreation use. He felt that a Town Council resolution was all that was necessary for conservation and recreation land use. Pallotta McDermott questioned how the property would come under the care and custody of the CC. Bering responded that a Management Plan by the CC would be sufficient without the need for legislative action. Hayward noted that Fairbairn presented to the TC the Whitney Hill Woods Management Plan.

Martin inquired if the water tank on the property is an issue. Bering was unsure why the water tank was on the map.

Pallotta McDermott was concerned about the future of Whitney Hill with the DPW being an abutter and their infringement on the property when the DPW yard was built. Bering maintained that a resolution was sufficient since it is protected property.

Falkoff stated she was more concerned about the "care and custody" issue of the property which would advance trail maintenance, and property and educational signage. Bering felt it was unnecessary to go to the Legislature, that local controls were more effective. Hammett suggested pursuing grants to make improvements to Whitney Hill.

Falkoff will discuss the issue with the Town Attorney. Presently, she indicated that there are no lands in the Town that are under the care and custody of the CC. Pallotta McDermott noted that Arsenal Park is under the care and custody of the CC. Falkoff felt that the change in status would allow the care and custody of the land to the CC.

Pallotta McDermott questioned if the property was Conservation Land or Chapter 97 parkland. Bering felt that they were the same and that the distinction could be done by TC action. Pallotta McDermott wants Whitney Hill under the care and custody of the CC. Bering indicated authorization from the Town Manager is all that is needed. Pallotta McDermott wanted a statement from the State Conservation to define the difference between Conservation Land and Chapter 97.

Martin suggested asking the TC. Bering argued that the CC has the authority that asking is unnecessary. Hammett wants the CC to have the authority so that the CC doesn't have to go to the Town Manager.

Pallotta McDermott requested that Rose research the difference between Conservation Land and Chapter 97 land. Pallotta McDermott was concerned that the conservation status could be rescinded in the future. Falkoff stated she will place a resolution before TC.

Meeting adjourned at 10:15pm.