



**Waltham Conservation Commission  
January 19, 2023  
Meeting Minutes**

Meeting took place via public Zoom call with participation information posted at City Hall, Government Center, and on the Commission's page of the city web site. Zoom information was circulated directly to all applicants and others on the public agenda.

Meeting called to order at 7:03 PM.

**Attendees:** Chair Philip Moser, Vice Chair Bill Doyle, Gerard Dufromont, Louis Andrews, Alexander Sbordone, Michael Donovan (Mr. Donovan joined at 7:52 PM).

**Absent:** Bradley Baker

[Mr. Dufromont had audio issues during the first approximately 30 minutes of the meeting.]

**Development Prospectus Sign Off**

- 55 First Avenue. Philip McCourt appeared for Kings Properties. The project will involve the demolition of buildings at 45 First Avenue, 71 First Avenue, 85 First Avenue, 76 West Street, and 86 West Street. New office and lab space is proposed. Mr. McCourt briefly summarized the project and showed the existing conditions and the plan. The commission confirmed that this is not in jurisdiction. Motion authorizing the Chair to sign off on behalf of the Commission made by Mr. Doyle, seconded by Mr. Sbordone. All present in favor. **Motion passed.** Mr. McCourt will coordinate an in-person sign-off.

**Public Hearing**

**Notice of Intent** (DEP File # 316-0812) (Continued from 01-05-2023)

**Applicant:** Keir Evans – 1265 Main Street LLC C/O Boston Properties

**Property Location:** 1265 Main Street

**Project Description:** Development at 1265 Main Street. Phase I consists of lab/office space building, two amenity buildings, surface parking, access drives, utility improvements, landscape/pedestrian improvements, and site preparation for anticipated future development.

Applicant has requested a continuance to 2/2/23 meeting. Motion to continue by Mr. Doyle, seconded by Mr. Sbordone. **Motion passed.**

**Public Hearing**

**Notice of Intent** (DEP File # 316-0789) (Continued from 01-05-2023)

**Applicant:** Paul Boche and Kathy Chen

**Property Location:** 98 Lakeview Terrace

**Project Description:** Application for construction of a driveway.

Applicant has requested a continuance to 2/2/23 meeting. Motion to continue by Mr. Sbordone, seconded by Mr. Doyle. **Motion passed.**

## **Public Hearing**

### **Notice of Intent** (DEP File # 316-0814)

**Applicant:** Kim Scott – City of Waltham, Recreation Department

**Property Location:** 190 & 282 Trapelo Road

**Project Description:** Project consists of a memorial, chipping range, and disc golf area. Additional improvements include access road, parking, retaining wall, and drainage improvements.

Ms. Scott present, also Arsen Hambardzumian of Nesra Engineering. Ms. Scott noted that the project had two public input meetings last year; the hearing at this time is strictly about wetlands issues. Mr. Hambardzumian presented details, summarizing the whole and focusing on the areas in wetlands jurisdiction. The jurisdictional area is in and near the chipping range and access road to it. A proposed improvement is to restore the hydrological connection between wetlands in the project area, presumably cut by other construction many years ago. There is a lot of ledge on the site, but the plan is to build up and regrade rather than excavate, for less disturbance. He described infiltration and runoff plans. Treatment will include a rain garden, possibly with educational signage. DEP has sent no comments on this filing, so presumed to be satisfied. Work is primarily in buffer zone, with one previously-developed area to the east against and into wetland.

Mr. Doyle noted that the paving of the road was probably of most concern, and the plans address this. Ms. Scott confirmed that this project is undergoing city engineering review regarding drainage. Mr. Doyle was aware of an old drainage/treatment structure at this location; Mr. Hambardzumian confirmed this has been filled with concrete and will remain buried below grade in this plan. He confirmed that part of the hill has grown in but was once developed.

Mr. Dufromont noted the extreme closeness to the wetland, within 15'. Although the area was previously developed, he does not like the precedent of allowing this. Mr. Hambardzumian noted that additional wetland would be created, and that the areas to be graded could be re-assessed to partly address the proximity. It was clarified that new areas would be BMP, not BVW.

Mr. Moser asked for clarification on the nearest point of work to the wetland. It would be 5' to 7', but would use posts to each side of the wetland to allow the net to span rather than disturb it. Mr. Moser agrees with Mr. Dufromont's concern and noted that best practice is not to disturb within 50'.

Numerous areas on this plan are within 15'. An existing fence in and through the wetland was noted at the property line. Discussion of distances, previous disturbance, possible alternatives, DEP restrictions. Mr. Moser inquired whether a MEPA permit was anticipated; this was not known, and the applicant would look into it. Mr. Moser noted additional regulatory concerns within state jurisdiction if the parcel is above a certain size. It was noted that the area is not in floodplain, but 50- and 100-year flooding considerations should be understood. Ms. Scott confirmed that this parcel was purchased using CPA/CPC funds; a conservation or other limited use deed restriction should have been filed because of this. It is not clear if this has been done. Discussion of historical dumping at the edge of the site. The city plans to remove this material as part of the work. The commission and applicant both expect this to be included as a condition. Discussion of standard wildlife fence gap condition. Mr. Doyle asked about the Western Greenway Trail; Mr. Moser believes it has been proposed for the site but not moved beyond a proposal. Mr. Moser asked about a connection shown from Beaver Street on a previously circulated plan; Ms. Scott said that is not part of this plan or work. [Mr. Donovan joined the meeting approximately this time.] Mr. Moser noted other wetlands on the larger site, for the contractor to be aware of, specifically to avoid parking and materials storage/staging without proper controls.

The public was invited to comment.

Josh Kastorf spoke. He commented on the access road, the previous public hearing process, and appropriate uses of this land in its historical context. He believes the public interest in this meeting is due to important issues not being discussed in appropriate forums, such as historical commission and disability commission. He hoped that these issues would be addressed properly and urged the

commission to vote no on this plan if that does not happen.

Rachel Malley, a near abutter on Owl Hill, spoke. She noted culverts from the property to Beaver Brook, connecting these wetlands. She pointed out that the site is on the National Historic Register and that its history should be addressed. She called for more public input.

Sandra Wadman of the Waltham Land Trust read a statement from WLT. The statement noted that the access road, driving range/artificial turf, and associated areas are in wetland and forest area which should be preserved as much as possible. WLT recommends that these facilities be relocated to previously developed and less sensitive parts of the parcel.

Dan Saari spoke. He described the plan as haphazard and clumsy and lacking in public engagement. He felt the proposed amenities to be out of step with community needs and that they will have an unnecessary impact on the environment, as well as ignore the site's history, and urged the commission to reject the plan. He noted a way for the public to engage and collect their feedback in opposition.

Emily Saperia spoke. She asked for clarification on the regulations for work near wetlands. Mr. Moser summarized regulatory jurisdictions and outlined the permit process and the specific interests and items within the Conservation Commission's authority. Mr. Doyle touched on the 10 performance standards and how some relate to this project. Discussion of ConCom responsibilities and general practices. Discussion of the use of synthetic turf in parts of the course. Planned use is for flat landing/target areas, and also to allow water to quickly infiltrate below ground. Only one patch will be in jurisdiction. Mr. Moser suggested moving that away, if possible. Applicant will try to do this.

Thomas Benavides spoke. He noted the possibility of non-degradable golf balls getting into the wetlands, trade-offs, history of site.

Jessica Helm spoke. She asked for clarification that the turf is only being used in specific patches (confirmed). Discussion of wildlife access on the site. She asked into issues of vertical wildlife movement (i.e.: birds, which could be affected by nets). Mr. Moser noted that this is an interesting point, not usually addressed by wetlands regulations, which focus on ground-level access. Regarding the turf, Mr. Moser suggested the applicant look at potentially seeding part of the range with native meadow plants.

Eamon Dawes spoke. He raised the issue of the litter problem of balls 'escaping' the range into the wetland.

James Krikeles spoke. He raised the issue of the value of a golf course on this land with similar facilities nearby and in contrast to the value of other potential uses.

The commission scheduled a site visit with Ms. Scott for Monday, 1/30/2023 at 8 AM, weather permitting. The visit will be open to the public. Meet at the gate at 200 Trapelo Road. Ms. Scott has the gate key and will let people in to drive closer or walk. If snow prevents safe access, will reschedule. Parking is limited, attendees requested to carpool.

Mr. Doyle moved to continue the hearing, seconded by Mr. Donovan. **Motion passed.**

## **Public Meeting**

Vote on requested changes to special conditions previously issued for DCR Charles River Greenway project (316-0813). Changes outlined in 01-05-2023 meeting have met DCR's legal review.

Brief discussion. Motion to approve and issue by Mr. Donovan, seconded by Mr. Andrews. **Motion passed.**

## **Commission Business**

- Approval of meeting minutes from 01-05-2023. Motion to approve by Mr. Donovan, second by Mr. Andrews. **Motion passed.**

## **Correspondence**

- 1 Brook Road parcel information from City Engineer. ConCom and the City Engineer were both asked for input regarding possible purchase by the city for flood control. Both determined this would not help with flood control, although as conservation land it has potential and the existing culverted stream could be daylighted.
- 0 Pond End Road. Extension issued by DEP to superseding order of conditions (316-0746) through February 25, 2026. Noted.

## **Old Business**

- Mr. Donovan reported that Rec Department staff were able to fell the invasive Ailanthus trees at the Paine Estate on January 13 (photos).

## **Site Visit Reports**

- Brandeis – Hassenfeld parking lot, 1/12/23. Mr. Baker reports trees being cut on the riverbank and no sign of O&M plan being followed (photos). Brief discussion. This item will be revisited when Mr. Baker is next in attendance.

## **Committee Reports**

- **CPC:** Next meeting is February 21, 2023.

## **New Business**

- Mr. Dufromont noted contact from Ryan Gaffey of Bentley University and has scheduled a site visit on 1/24 at 11AM to look at proposed work around the pond near the president's house (Forest Street). Unpermitted work was stopped there some time back. Mr. Donovan expressed interest in attending. Mr. Doyle has also had contact regarding this work. Mr. Daly noted a recent contact from Bentley which is related. Mr. Moser commented that the 'vista pruning' exemption should not be abused here. Mr. Moser would need to recuse on any decision.

Motion to adjourn by Mr. Doyle, seconded by Mr. Andrews. All present in favor. **Motion passed.**

Meeting adjourned at 8:45 PM.