



Waltham Conservation Commission
April 8, 2021
Meeting Minutes

Meeting called to order at 7:00 PM.

Attendees: Chair Philip Moser, Vice Chair Bill Doyle, Gerard Dufromont, Bradley Baker, Michael Donovan, Matthew Deveau

Absent:

Development Prospectus:

- 1256 Main Street. Damon Schmidt represented the applicant. Previously appeared in 2020 regarding removing back 32 feet of building. New plan is to tear down and rebuild structure. Not in wetlands area.

Motion by Mr. Doyle to allow chair to sign the prospectus. Seconded by Mr. Deveau. No additional discussion requested. **Motion approved.**

- 221 Bear Hill Road. Pat Smith represented the applicant. Revisions to plan, including parking lot lines. Not in wetlands area.

Motion by Mr. Doyle to allow chair to sign the prospectus. Seconded by Mr. Deveau. No additional discussion requested. **Motion approved.**

Public Meeting

Request for Determination of Applicability

Applicant: Virgil Neely and Sarita Spillert

Property Location: 56 Mallard Way

Project Description: Remove rotting tree.

Abutter of Beaver Brook. Request to remove "hazardous" tree at edge of property and neighboring property. Chair notes that removal of tree is approvable through an RDA if replacement trees will be planted; if they want to remove the tree without planting replacements, they would need to file a Notice of Intent. The applicant is amenable to planting replacements. Mr. Doyle suggested 2x specimen trees to replace. Mr. Donovan has seen photos, suggests also leaving stump. Mr. Dufromont concurs and feels new trees would improve location. Mr. Baker concurs with plan for native trees. Information resources for replanting options provided to applicant. Mr. Deveau and Mr. Baker clarified replanting location options. 1½" to 2" caliper trees recommended.

Motion by Mr. Doyle to move for negative determination with condition that applicant plant 2x native trees of minimum 1½" caliper on bank and that stump of removed tree remain in place. Mr. Baker

asked for plan for cut wood, applicant plans to use in wood stove. Motion seconded by Mr. Donovan. No additional discussion requested. **Motion approved.**

Public Meeting

Request for Extension of Order of Conditions (DEP File # 316-0723)

Applicant: Colbea Enterprises, LLC c/o Ayoub

Property Location: 225 Waverley Oaks Road

Bill Proia of Riemer & Braunstein represented the applicant. Special use permit is still before the City Council. Requesting 2-year extension. No changes expected to current approved project. Chair spoke favorably of project based on previous appearances before Committee.

Motion by Mr. Doyle to issue 2-year extension. Seconded by Mr. Dufromont. No additional discussion requested. **Motion approved** by unanimous voice vote.

Mr. Proia thanked Commission and asked if they would be willing to send a letter to City Council recommending project. Motion by Mr. Doyle to write and transmit such a letter. Seconded by Mr. Baker. **Motion approved.**

Public Hearing

Notice of Intent (DEP File # not yet assigned)

Applicant: Boston Properties

Property Location: 195 West Street

Project Description: Renovate existing office building into a medical office building with additional parking spaces, landscape improvements, and an upgraded stormwater system.

Mr. Moser recused himself to avoid a potential conflict of interest. Requested that Commission inquire as to existence and location of perennial stream on property, then left meeting for duration of this item. Mr. Doyle assumed Chair.

Nick Skoly (VHB) and Kier Evans of Boston Properties represented applicant. James G. Ward also present for applicant. Mr. Evans summarized existing property. New tenant requests additional parking. Have identified an area on the property which would minimize wetlands impact. New parking would be in front setback (150'). Limited commercial zoning. About 3500sf addition to impervious surface, but within previously disturbed area. Adding runoff retention structures for runoff and recharge. Maintaining all existing connections to wetland, not adding.

Jamie O'Connell of Cambridge Water spoke. Concerns of critical area and riverfront area (not noted on plan). Cambridge disagrees with determination that this is not critical area, because of drinking water supply issue. Also infiltration restrictions and perennial stream not shown on plan just over Weston line. Concern for low-salt strategy on site and increased street sweeping plan. Mr. Skoly noted current low-salt strategy and had questions for Ms. O'Connell. Mr. Evans said they would follow current Cambridge recommendations. Mr. Doyle asked after comment letter from Cambridge. She said this had been sent. Letter sent late. Mr. Doyle said site visit will be required. Will work to schedule. Mr. Donovan has read letter, agrees for site visit need. Mr. Baker asked after landscape plan. Mr. Skoly said there is no formal landscape plan, but will create one if requested. Mr. Baker asked Ms. O'Connell for details of street sweeping plan. Mr. Skoly will include in updated plan. Mr. Dufromont asked for snow removal details. Mr. Evans responded. Mr. Dufromont asked for specifics

of previously approved parking and current request. Commented on general concerns of effect on wetlands in that area. Mr. Deveau agreed and also expressed concern over new retaining wall on plan. Chair opened for public comments.

Paul Pavone business manager representing union local 560 in Waltham, about 700 workers. Thanked developer for previously using union labor expressed hope that future contract would do the same.

Mr. Evans addressed Mr. Dufromont's parking concern. Mr. Dufromont asked after renovation occurring at adjacent building. Mr. Evans clarified that this is a separate client and project. Some parking (77 spaces) in that building lot is for this project with 77 spaces at 195 West Street.

Commission scheduled site visit for 8AM on April 15th.

Motion to continue by Mr. Donovan. Seconded by Mr. Dufromont. **Motion approved.**

Mr. Moser returned to meeting and resumed as Chair.

Commission Business

- Approval of meeting minutes from 3-25-2021. Minutes not yet available: not approved.
- Update on filing fee projects. No updates.
- Storer Conservation Land Encroachment. Katie Laughman of City Law Department will be assisting and will have a conference call with Mr. Moser on April 12th.
- Storer Conservation Land Management Plan. No updates.

Correspondence

- Windsor Village notified they are ready to begin project approved spring 2020.
- Verbal notification from law department that Waltham High School project will begin work in buffer zone. Abutters have withdrawn appeal. City has withdrawn objection regarding native vine plantings. Mr. Doyle will act as Commission contact. Mr. Baker may salvage saplings on site through the end of next week per agreement.
- Lois McFarland, Lexington Street. Contacted by Commission for removing tree without filing NOI but had building permit for a deck. Project is complete. Need to send follow-up letter confirming that the Commission does not intend to take any action.
- 11 Samoset. Tree cutting reported to Commission. Small piece of property is in ConCom jurisdiction. Mr. Baker volunteered to do site visit to understand issue.
- 114 Felton Street. NOI for landscaping yard for truck refueling or landscaping debris. Approved last year with condition to provide more information of treatment capabilities. Letter received has not provided much detail. Commission will review and follow up if required.
- MWRA. Water tunnel letter. Beginning design of new tunnel. Planned for 2026-2027. Tunnel planned for area of 128/Pike to Moody Street bridge area then to Fernald area. Deep tunnel but will have vertical shafts at some locations. Preparatory notifications.

Old Business

- None.

Committee Reports

- CPC: Report on most recent meeting by Mr. Doyle.
- Trust Fund: no updates.

Site visit reports

- Prospect Hill. Mr. Donovan reported visual inspection current state of site. Mr. Doyle suggests contacting Rec Department to review erosion controls.
- 80 Second Ave site re: Knotweed. Moser, Donovan, Dufromont visited. Regarding previous fill of gravel in wetlands by previous owner. New owner asked to remove gravel and trash/debris for drainage purposes, but not require a full restoration project as it is not a productive wetland habitat. Part of area is state highway department.
- 290 Lexington St. – Mr. Donovan reported visiting the site to observe work in progress. The site is in ConCom's jurisdiction but the current work is not. There is a new owner and he spoke to someone on site to let them know that if they propose any alterations as defined under the Wetlands Protection Act they will need a permit from ConCom. He will draft a follow-up letter confirming this.

New Business

- None.

Motion to go into Executive Session (to discuss litigation) by Mr. Doyle. Seconded by Mr. Dufromont. Motion passed.

Executive Session

- Discussion of litigation: Vincent Cuttone, Trustee of VC Realty Trust v. Waltham Conservation Commission, et. al.

Motion made by Mr. Doyle to adjourn the meeting, seconded by Mr. Dufromont. All in favor. **Motion passed.**

Meeting adjourned at 8:20 PM.