



**Waltham Conservation Commission
October 7, 2021
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, Matthew Deveau, Michael Donovan, Gerard Dufromont

Absent: Bradley Baker

Public Meeting

Request for Determination of Applicability

Applicant: Bay Colony Corporate Center

Property Location: 1050 Winter Street

Project Description: Remove 6"-8" loam from berm to improve health of sustainably planted area.

John Engwer and Guilnar Karam of Groundscapes Express appeared for the applicant. Ms. Karam explained the ongoing restoration and sustainability work at the site and the reason for this request. The Commission clarified the location of the work. Mr. Dufromont inquired whether Cambridge Water Department had been notified, as this abuts the reservoir. The applicant had not notified, but the Commission office confirmed that Jamie O'Connell at CWD is aware of this RDA. Mr. Dufromont noted that normally CWD provides the Commission with a letter noting any issues (or approval) of work near their properties, but that did not happen in this case. Mr. Moser suggested details on when and how to contact CWD should be added to the instructions for applicants on the Commission web page. Mr. Donovan asked for and received clarification about the amount of material planned for removal from and left behind in the berm, as well as erosion control details. Mr. Doyle moved to issue a negative determination with no conditions. Seconded by Mr. Dufromont. Mr. Moser asked if this project would affect stormwater capacity at the site and Mr. Engwer confirmed that it would not. All present in favor. **Motion passed.**

Public Meeting

Request for Certificate of Compliance (DEP File # 316-0763)

Applicant: Algonquin Gas Transmission LLC / SWCA Environmental Consultants

Property Location: 1430 Trapelo Road

Chase Bernier of SWCA appeared for the applicant. Briefly described project. The Commission had no questions or concerns. Mr. Moser noted that he had recently viewed the site and noticed that work

had been completed. Mr. Doyle moved to issued a certificate of compliance. Mr. Deveau seconded. All present in favor. **Motion passed.**

Public Meeting

Request for Certificate of Compliance (Partial) (DEP File # 316-0770)

Applicant: City of Waltham – Jeannette McCarthy

Property Location: 554 Lexington Street (New Waltham High School)

Mr. Donovan recused, as he serves on the school building committee.

Erin Prestileo of SMMA appeared for the applicant. Dennis Lowry and Meghan Collins were also present. Mr. Lowry gave a presentation on the work completed to date. The partial COC request concerns the restoration of an intermittent stream on the project site. The presentation showed multiple before, during, and after photos of the restoration area. Work was done between early August and late September of this year. Photos of the site serendipitously highlighted the success of the restoration by showing how water moved through the restored area's soil after recent heavy rains. Some modifications were made during work when previously unmarked bedrock was uncovered. Mr. Dufromont has visited the site and complimented the applicant on the work. Mr. Doyle noted that he has been making weekly visits and has discussed with the site manager the idea of continuing with monthly visits moving forward. The Commission and the applicant discussed the reason for moving ahead with a partial certificate vs. a full COC. Mr. Moser inquired into the status of a previously approved temporary access road. Ms. Prestileo explained that it had not been needed, but exists as a mulch pathway which might see use for maintenance access over the next two years, after which it would be removed. This area might become otherwise inaccessible as work on the larger site progresses. Mr. Doyle noted that the partial certification will mean that this area will be considered complete, with the applicant required to continue maintenance on it. Since the contractors will be on site for approximately the next two years, this will be a benefit and allow them to act quickly if problems develop. It should also allow them to file for the full COC in two years, and not require them to continue with mitigation work beyond the completion of the overall project. The Commission favored this plan. Mr. Moser raised the existence of the previous enforcement order which required this work. The Commission discussed rescinding this order as part of the approval of the partial COC. Mr. Doyle motioned to issue a partial COC as outlined in the applicant's submission; Mr. Dufromont seconded. All present in favor. **Motion passed.** Mr. Doyle motioned to rescind the previous enforcement order; Mr. Dufromont seconded. All present approved. **Motion passed.**

Mr. Donovan returned to the meeting.

Public Meeting

Request for Certificate of Compliance (DEP File # 316-0758)

Applicant: North Shore Residential Development

Property Location: 52 Clark Lane

Jack Sullivan, engineer for the project, appeared. Ryan Lopez was also present. Mr. Sullivan briefly explained the project and status. The only changes from the approved plan were minor curbing changes requested by the Waltham CPW. The developer had been asked to plant 3 trees, which has been done. The site has been stabilized with plantings. Mr. Deveau raised the issue of erosion control removal. Mr. Sullivan was not certain, but knew it was discussed with Mr. Lopez and planned. [Mr. Lopez appeared to have a connection problem.] The Commission had no further concerns. Mr. Doyle moved to issue a COC. Mr. Donovan seconded. All present voted in favor. **Motion passed.**

Mr. Sullivan was able to reach Mr. Lopez by text and reported that the erosion controls had not yet been removed, but would be very soon.

Public Meeting

Emergency Certificate Issued: 10/5/2021

Applicant: City of Waltham Building Department

Property Location: 220-26 Moody Street

Project Description: Emergency demolition. Roof collapse, risk of structure collapsing onto sidewalk/street.

Mr. Moser and Mr. Daly explained the request for and issuance of this emergency certificate (EC) by Jon Millian of the Waltham Building Department. Mr. Daly provided updated information from Mr. Millian indicating that the EC is no longer required. Mr. Dufromont made a site visit earlier this week and concurred that the structure does not appear to be at risk of collapse, but that he could not inspect the inside. Mr. Donovan has also visited the site and agrees with this assessment. The Commission discussed the general requirements and procedures for issuing ECs, and agreed that procedure was not properly followed in this case, as it should have been the City's responsibility to declare an emergency, but the property owner's responsibility to request the EC, if one was needed. Mr. Deveau motioned to rescind the EC. Mr. Doyle seconded. All present voted in favor; the **motion passed**. Mr. Moser instructed Mr. Daly to send a letter to Mr. Millian informing him of this and clarifying the EC procedures.

Commission Business

- Approval of meeting minutes from 9-23-2021. Motion to approve minutes by Mr. Doyle, seconded by Mr. Donovan. All present in favor. **Motion passed.**
- Storer Conservation Land Encroachment. No update.

Correspondence

- DEP Pool water discharge information. Informational and for guidance only. Notes that municipal conservation commissions should be aware of the release of chlorinated water from pools into protected areas, as well as potential issues when permitting pools in these areas. Commission briefly discussed and will take into consideration in relevant future situations.

Old Business

- Mr. Deveau reported a conversation with the Mayor regarding the 9-23 meeting discussion of off-leash dogs at the Paine Estate property. He relates that the Mayor's primary concern appears to be professional dog walkers using the property, and that these individuals park at the High School and enter from that side. The Mayor notes that no one should be on school property during school hours except for school business, and views this as a potential safety and security problem. The Mayor will consider adding clear signage in that area to redirect visitors to park at the main Paine Estate access only. The Mayor has also suggested a fence might be erected to block access from the school side if signage proves insufficient. Mr. Moser noted that some towns declare specific properties to be 'dog' or 'no-dog' areas to balance resident use; this is an item for potential future action, as it would involve work which the Commission and the City are probably not in a position to undertake at this time. Mr. Deveau mentioned that the Mayor also has plans to expand the small off-leash park at the Met State property.

Site Visit Reports

- None.

Committee Reports

- **CPC:** Met on October 5, 2021. Mr. Doyle reported that there were no new applications.

New Business

- Mr. Donovan noted that the project at Prospect Hill Park appears to be nearing completion and suggested a visit. Mr. Dufromont suggested that the Commission office try to schedule a site visit with Nick Abruzzi. Mr. Moser noted that the contractor is the same as the project at Mokema Woods, and that project needs follow up regarding the restoration plantings.
- Mr. Moser reported that the Conservation Trust Fund is included in the monthly and quarterly Commission financial reports. The fund totals around \$61,000. Brief discussion of possible uses, noting that most land in Waltham is priced high. Mr. Moser noted a small, odd landlocked lot adjacent to the Paine Estate which might be available and affordable. Mr. Doyle raised the possibility of seeking out properties with unpaid taxes, to take over those properties outright or buy their liens. Mr. Moser noted that this was exactly how the City acquired some of the land around Hardy Pond. Possible purchases using the trust fund will be discussed in more detail at a November meeting.

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

Meeting adjourned at 8:07 PM.