



Waltham Conservation Commission

April 28, 2022

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 7:03PM.

Attendees: Chair Philip Moser, Vice Chair Bill Doyle, Gerard Dufromont, Michael Donovan, Bradley Baker, Louis Andrews.

Absent:

Public Hearing

Notice of Intent (DEP File # 316-0799) (Continued from 4-14-2022)

Applicant: Veena Sharma

Property Location: 10 Carlin Road

Project Description: Construction of a sunroom within the existing deck location.

Ms. Sharma and Peter Lavenson were present. This matter was discussed in the previous meeting, leaving the issue of a fence and shed encroachment unresolved. The applicant has agreed to move these to resolve the encroachment. There was discussion of Commission responsibility and how to include this as a condition. Mr. Doyle moved to close the public hearing, seconded by Mr. Donovan. Motion approved. Motion by Mr. Doyle to issue an order of conditions with the following special conditions: 1) the fence will be removed from city property 2) the shed will be removed from city property. A friendly amendment was offered and accepted to waive the standard special condition (25.I) that fencing include a 6" bottom edge gap, as the fence is in place to constrain the applicant's very small dog. All present in favor. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: City of Waltham – Engineering Department

Property Location: Winter Street, between #221 and #455 (Assessor's map R032)

Project Description: Clean and line existing water main along Winter Street and install a new water main through the existing easement from Totten Pond Road to Winter Street.

Mike Carter of GCG present for the applicant. John Martino from the city Engineering Department also present. Mr. Carter explained the project. The commission had no issues with the western section of the project (approximately Wyman Street to 225 Winter Street), as it is entirely within the roadway and existing utility right-of-way exemption. The project has made modifications to address concerns around the wall and guardrail area where "old" and "new" Winter Street are discontinuous. Discussion primarily focused on issues regarding work in the easement at the eastern end, at #16 &

#11 Winter Street, and the need to cross West Chester Brook via an existing culvert to connect to the main at Totten Pond Road. Placement of the main across the culvert is constrained by the width of the culvert and an existing sewer line. The applicant understood these concerns and will attempt to locate the main as much as possible toward the center of the crossing. Freezing concerns were raised; the applicant already plans to insulate the line at this location. The stability of the existing culvert was raised but not considered a concern. Mr. Doyle asked Mr. Martino for the city's opinion on this work relative to the city's I&I plans. Mr. Martino stated that all culverts along the brook were recently inspected and no defects noted. The sewer main has presented no issues. Mr. Doyle suggested a video inspection before work, which Mr. Martino agreed was a good idea. Mr. Doyle moved to issue a negative determination with the conditions: (1) a video inspection be done prior to work, (2) the applicant will ensure stabilization of the adjacent banks during work, and, (3) the planned new main will be aligned as much as possible to the center of the crossing to avoid bank destabilization. Seconded by Mr. Baker. All present in favor. **Motion passed.**

The Commission moved and agreed to take an item out of order, as Mr. Martino was available to discuss the Paine Estate survey. Mr. Martino reported that the traverse of the property has been completed and is now being compared with existing records. Staking out property lines and corners will be next, expected in about two weeks. Then monuments will be placed. He believes that they will want the Commission to do a site walk in about 6 weeks. Mr. Donovan asked for and Mr. Martino clarified what has been done for flagging and marking, as residents have approached Mr. Donovan after observing work and markings. Mr. Martino confirmed that abutters were notified prior to work. Mr. Moser noted anecdotally that while walking the property he has been approached by abutters who believed he was on their land when he was entirely on city property. The Commissioners noted that they look forward to the site walk and hope to do it in June or July.

Mr. Doyle also asked if there was any news on work on the Fernald stream project. Mr. Martino reported that this was hydroseeded today, the plantings are now in, and an invasive species survey is being put together; a removal plan will then be developed to work within the remaining budget. He noted that much of the invasive work would be out of ConCom's jurisdictional area. Mr. Moser stated that ConCom might be able to offer some budget assistance. Mr. Martino noted that there will be other city projects in that area in the future.

The Commission moved to resume the scheduled agenda.

Public Meeting

Request for Determination of Applicability

Applicant: Mark E. Lasoff

Property Location: 66 Greenwood Lane

Project Description: Backfill of approximately 40 feet of property to create play area.

Mr. Lasoff described the site and the proposed project. The Commission reviewed and discussed the project. The project area is entirely outside Commission jurisdiction. Mr. Doyle requested before and after photos of the site for the file as a courtesy. The applicant agreed. Motion to issue a negative determination with no conditions by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Commission Business

- Storer Conservation Land Encroachment. Discussed earlier with Mr. Martino.

Correspondence

- Informational: 1036 Lexington Street owner has responded to the commission's letter. He anticipates some tree work on the property in the near future and will file an RDA for it. Mr. Moser noted this might need to be an NOI filing. Mr. Moser noted separately that a contractor who is ignorant or deceptive can incorrectly get past CPW by checking the wrong box on their permit form. He does not feel additional action is required at this site.
- Informational: DEP file 316-0648 has DEP license to apply herbicide to aquatic plants in Purgatory Cove. Scheduled for 4/29/2022. Noted, no action required.
- Informational: CRWA is tentatively scheduled to attend the 5/26 meeting to present on the Watertown dam removal. Noted, no action required.
- Informational: Massachusetts Society of Municipal Conservation Professionals annual meeting on 6/8, 10AM-2:30PM, Norton, MA. Limited attendance. Mr. Moser encouraged that both Chris Daly and Hanna Conlon from the ConCom attend.

Old Business

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Site Visit Reports

- 221 Totten Pond Road: Mr. Donovan observed work across West Chester Brook this week and investigated. He requested the Building Department to inspect. The work was permitted by CPW but had been cleared by ConCom. It is in jurisdiction and should have been filed for. Building Department was unaware of the work (it required CPW approval but not Building Department involvement). The work was for an emergency sewer line replacement and has been completed. Mr. Moser showed the Commission the permit application and noted where the contractor had indicated that Conservation approval was not required. Mr. Moser noted that ConCom has an emergency approval process which should have been used. His opinion is that the contractor falsely represented on this document. The owner and contractor and CPW should be sent a letter noting this, to educate all involved.
- Hardy Pond [174 OPP Lakeview Ave]. Mr. Moser observed the removal of a willow tree which had partially fallen into the pond. He views the removal as unpermitted dredging under the WPA. The tree was also alive and functioning as wildlife habitat. He recommended a letter to the property owner requiring the replanting of replacement trees. Mr. Dufromont suggested that the contractor [Marquis] also be sent a letter. Mr. Donovan noted this has been an issue in the past. Mr. Doyle also noted that the tree was alive, and pointed out the additional problem that the stump was removed, which would not have been permitted. There was a discussion of similar work, precedents for allowing unpermitted work, and the uncertainty of property lines around the pond. Mr. Baker suggested that all tree companies in Waltham should be sent a strongly worded letter regarding this type of work and permit requirements. Mr. Moser suggested that Ms. Conlon take the lead on this. Mr. Baker will help in creating a list of companies to contact. The Commission noted that this should be done regularly, but has not happened for several years.

Committee Reports

- **CPC:** Next meeting is May 10, 2022.

New Business

- Budget. Mr. Moser had his annual meeting with the mayor earlier that afternoon. He noted a couple of items specifically. The mayor is supportive of ConCom using filing fees to supplement new plantings at Mokema Woods, but would expect another department such as Recreation to do the actual work, as she views ConCom as a permitting body. The mayor supports the Hardy

Pond watershed map project, but believes the PO should go through the Engineering Department. Mr. Doyle noted the GIS Department (Eric Rizzo) should also be involved. Regarding the 43 parcels being investigated for possible purchase as conservation land, the mayor seems to favor this plan and will discuss with the City Council in an upcoming executive session.

- Regarding Mokema Woods, Mr. Baker asked if there have been any updates. Mr. Moser has recently communicated with the project manager on the replacement of any failed plantings, to be followed by an RCOC, and expects action soon.

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

Meeting adjourned at 8:25 PM.