



Waltham Conservation Commission
May 12, 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 7:02PM.

Attendees: Chair Philip Moser, Vice Chair Bill Doyle, Gerard Dufromont, Michael Donovan, Louis Andrews. [Mr. Dufromont had an intermittent connection problem.]

Absent: Bradley Baker.

Public Meeting

Decision on Hardy Pond watershed map funding.

Mr. Moser noted that the Mayor is open to this project if funding is through the filing fee account, and that the Engineering Department should be involved. He recused, as he has been involved with the Hardy Pond Association. Mr. Doyle assumed the chair. Betty Mackenzie of the HPA spoke and briefly summarized the project and the previous request. Brief discussion. Mr. Doyle noted that as Hardy Pond feeds Chester Brook and then drains into Beaver Brook, this project affects about 1/3 of the Commission's jurisdictional area and would further wetlands protection act goals, so it is well within acceptable use for filing fees. Councilor Darcy appeared to note that he supports this action. Mr. Donovan moved to approve the \$5,000 request for this item and move forward. Mr. Dufromont seconded. All present in favor. **Motion passed.** The Commission and Commission office will move forward with Engineering to have the PO processed from the filing fees account. Mr. Moser returned to the chair.

Public Meeting

Request for Determination of Applicability

Applicant: Bishops Forest II c/o Crowninshield

Property Location: Bishops Forest Drive

Project Description: Stabilize and reconstruct existing eroding sidewalk within and adjacent to wetlands in vicinity of existing walking trail crossing

Tim Williams of Allen & Major Associates appeared for the applicant. Mr. Williams described the current site conditions and the proposed work. He noted the wetlands around the site. Mr. Moser asked and Mr. Williams clarified that the project design has not been completed, pending whether it would receive an NDA or require an NOI. Mr. Doyle noted the steepness of the slope and Mr. Williams confirmed that the stabilization will likely extend beyond the toe of the slope (edge of previous development). Mr. Donovan asked and Mr. Williams confirmed that several trees will be removed. Discussion of materials to be used and total area to be affected. The Commission believes

this is a good project, but that the work involved will require a notice of intent. Mr. Dufromont noted that a site inspection should take place as well to confirm conditions and affected area.

Mr. Donovan moved to issue a positive determination, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Mr. Doyle raised the issue of abutter notifications for this project, as the site has many condominium co-owners. Past precedent has allowed projects of this type to notify associations or governing boards rather than every individual owner.

Public Hearing

Notice of Intent (DEP file 316-0802)

Applicant: Ernest Rogers, Rogers & Company, Inc

Property Location: 33 Bigelow Road

Project Description: Demolish and reconstruct a single-family dwelling and associated site appurtenances within 'Previously Developed' or 'Degraded' Riverfront Area associated with West Chester Brook. Proposed construction access also will occur within BLSF, although no change in grade is proposed within BLSF. Erosion controls, stormwater management, and native landscape plantings are proposed to mitigate for the proposed work.

Present for applicant: Rich Kirby of LEC Environmental Consultants and Mike Novak of Patriot Engineering. Mr. Moser noted that DEP has submitted comments on this project. Mr. Kirby described the project and site conditions in detail. It is a tear-down and rebuild project. He outlined storm water management plans, runoff reduction, erosion controls. There will be very little regrading. Restoration plantings are planned. He addressed issues raised by DEP regarding replacement plantings, noting that the Commission has the authority to approve.

Ms. Conlon asked about ensuring the success of plantings and also suggested attempting to save one or more of the existing trees on the lot (slated for removal in the draft plan). Mr. Kirby suggested adding to replacement plantings to make up for lost trees, two of which will likely have to be removed to complete work. He expects the Commission to include planting success criteria as a condition. Mr. Doyle raised concerns about the driveway location and drainage, which Mr. Novak addressed and was discussed. Mr. Donovan asked for clarification about the structure size and setbacks, which Mr. Novak provided. Mr. Dufromont, Mr. Andrews, and Mr. Donovan viewed this as a good project that improves the site. Mr. Moser asked that the front walk be shown on the revised plans, and that the driveway and grading also be shown. There was additional discussion around grading and revegetation and tree replacement details, possibly to include the front yard, to which the applicant was amenable, and regarding storm water as a permitting issue for Engineering, but which the Commission can take into account when determining if the project is an improvement. Mr. Moser noted that to help alleviate DEP concerns, revisions should extend revegetation to entirely include area within the 100' buffer zone. The Commission planned to make a site visit, tentatively scheduled for 5/19, 9AM. If no additional concerns are discovered, they expect to close this file at the next meeting. Motion to continue to the next meeting by Mr. Doyle, seconded by Mr. Donovan. All present in favor. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0803)

Applicant: DCR Lakes and Ponds Program / Kara Sliwoski

Property Location: Length of the Charles River in Waltham

Project Description: The applicant is seeking an Order of Conditions for an Aquatic Management Program at the Charles River to control nuisance and non-native plant and algae growth utilizing treatment with USEPA/MA State registered aquatic herbicides, and other BMPs.

Kara Sliwoski appeared for DCR. Also present: Vanessa Curran of DCR. Ms. Sliwoski presented the project in detail. Planning began in 2018, numerous surveys have been done. The project has been divided into two major portions, Phase I ("lower basin") below the Watertown dam and Phase II ("lakes district") above. Four towns are involved in each phase (Watertown and Newton are in both), and DCR is working to gain uniform approvals and conditions across the entire project. She showed details pertinent to Waltham. Charles River Watershed Association is a partner with DCR in this project. She noted that surveys will be ongoing, and the management plan will be updated and adapted each season based on new information; there might potentially be no management at times. There are time-of-year (TOY) restrictions on this project from the Division of Marine Fisheries (DMF). Control will be by both mechanical means and herbicide. Discussion followed. Ms. Sliwoski provided comparisons to a recent project on the Mystic River. DCR is planning to close all open orders in Waltham and consolidate them into this project, if those projects are still active. Mr. Doyle asked and Ms. Sliwoski confirmed that Chapter 91 regulations do not apply to this project. It has also been confirmed that Army Corps does not have jurisdiction. Discussion of invasive management as a perpetual project. The scope of the entire Charles River project is about 1,000 acres of open water (from Weston to Boston).

A natural heritage letter remains outstanding (Mt. Feake area). Discussion of invasive vs. native vegetation and ease or difficulty of river access. Discussion of prioritization of efforts to work within DMF TOY restrictions. Discussion of herbicide use and effects. Discussion regarding the effort to issue uniform conditions across affected towns. Considering that this project is large and complex and involves multiple jurisdictions, Mr. Moser asked if the applicant would face any delays if this hearing were continued to the next commission meeting. Ms. Sliwoski was comfortable with this. Betty Barrer, resident of Waltham, spoke on behalf of the project.

Andrew Salant of CRWA spoke on behalf of the project. CRWA has submitted a letter to the Commission supporting this project.

Motion to continue by Mr. Donovan, seconded by Mr. Doyle. All present in favor. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: Bradley Cardoso, Hobbs Brook Real Estate, LLC

Property Location: 590 & 610 Lincoln Street and 303 & 333 Wyman

Project Description: Construction of stone dust walking paths mostly along the existing drives of 590/610 Lincoln and 303/333 Wyman to offer safer pedestrian access. A concrete ramp will be added between 303 Wyman and 590 Lincoln. No work in wetland resource area.

James White appeared for the applicant. Mr. White presented and explained the project. The Commission asked for clarification of some specific details, which Mr. White answered to their satisfaction. Mr. White confirmed that the path would be pitched to send drainage to the paved areas and existing stormwater management, rather than into the wetland area. The path will be seasonal: snow will not be removed in winter.

Cambridge Water Department has submitted a letter to the Commission noting no objections to this project.

Motion to issue a negative determination with a single extra condition, that any cross-slope drainage be pitched to existing hardscape areas; seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Commission Business

- Approval of meeting minutes from 4-14-2022 and 4-28-2022. Motion to approve all minutes by Mr. Donovan, seconded by Mr. Doyle. All present in favor. **Motion passed.**

- Storer Conservation Land Encroachment. Survey is ongoing. The Commission office noted that multiple city departments have received calls from residents who have noticed survey markers and inquired about activity. City will possibly post notices at entrances to the property to explain.

Correspondence

- Informational: The City of Waltham has completed demolition of the old North Branch Library building (655 Lexington Street) and restoration/reseeding plantings.
- Informational: Duffy Properties notified the Commission that they expect to begin work on the 117 Beaver Street retaining wall replacement beginning the week of 5/9.
- Informational: Ale Echandi (DCR) has notified that invasive control work is set to resume at Beaver Brook Reservation. DCR will be hosting a public event on invasive species at the Waverly Oaks on June 25, which will be advertised.

Old Business

- none

Site Visit Reports

- Bentley Softball Field. Mr. Baker has visited (not present at meeting). Mr. Doyle has also visited. Mr. Doyle and Mr. Baker agree that the proposed tree removal and recommended replacement are acceptable under the existing order of conditions.
- High School wetlands. Mr. Doyle visited. Follow up to visits from last fall. Some invasives have sprouted, but they are allowing them to grow a bit to make removal easier and more complete. He plans another follow up in about another month. Everything looks very good at this time and he has given them permission to remove some of the erosion controls.

Committee Reports

- **CPC:** Mr. Doyle noted that a major topic at the most recent meeting involved conservation restrictions which are owed but have not yet been concluded. They are working with the Law Department to make progress. Next meeting is September 14, 2022.

New Business

- none

Motion to adjourn by Mr. Donovan, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Meeting adjourned at 9:26PM.