



**Waltham Conservation Commission
October 6, 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 7:00 PM.

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

Absent: none

Public Hearing

Notice of Intent (DEP File # 316-0812) (Continued from 9-15-2022)

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 270,000 sq.ft. of lab/office space, two amenity buildings totaling 22,400 GSF, 685 surface parking spaces, access drives, utility improvements, ancillary landscape/pedestrian improvements, and site preparation for anticipated future development.

Mr. Moser recused. Mr. Donovan acted as chair.

Keir Evans and Nick Skoly present for applicant. Mr. Skoly updated the commission on recent site visits by the commission and DEP and the status of the Zone A determination with DEP and Cambridge Water Department. DEP has determined that there is a large Zone A portion on site to be addressed, but Mr. Skoly does not think this will require significant changes to the plan. He also noted that mapping of the intermittent stream on the Prospect Hill park side has been done, and that communication with the owner revealed that fence repair is ongoing. Applicant expects updated plans showing the Zone A determination will be ready in about a week. Motion to continue by Mr. Dufromont, seconded by Mr. Andrews. **Motion passed.**

Mr. Moser returned to the chair.

Public Hearing

Notice of Intent (DEP File # 316-0811) (Continued from 9-15-2022)

Applicant: Curtis Beaton / Heles Irrevocable Trust

Property Location: 326 Lexington Street

Project Description: Work proposed consists of construction of two single-family houses, driveway modifications to the existing building, Riverfront Area restoration and plantings, and associated site work.

As members of the applicant's team were delayed in other meetings, Mr. Donovan made a motion to table this item and proceed with the rest of the agenda. Seconded by Mr. Sbordone. **Motion passed.**

Commission Business

- Approval of meeting minutes from 9-15-2022. Motion to approve by Mr. Donovan, seconded by Mr. Dufromont. Motion passed.
- Storer Conservation Land Encroachment. Mr. Moser had a small update on the survey status.
- Update on filing fee projects:
 - Hardy Pond watershed map. Mr. Moser noted that the electronic files have been requested by and provided to the map vendor, so this is proceeding.
 - Possible invasive plant removal. Regarding Seminole Path/Mokema Woods area. Mr. Moser discussed the status and that invasive control remains a condition of the project which the Rec Department still needs to complete. He notes that it is part of a large, city-owned area, and that additional city and/or commission resources might be applied. The commission agreed, but would like to see a proposal before committing to any expenditure. Mr. Moser also asked the commission office to touch base with Carolyn Cooney regarding the schedule for this project's replacement plantings.
 - Mokema signage. Regarding the broken/missing sign, as well as the inconsistency in the name of the area depending on the access location. Mr. Moser noted that the commission has about \$3,000 in a dedicated signage account, but that City Council is responsible for naming. He asked the commission office to follow up with Council regarding this to clarify the name.

Correspondence

- INFORMATIONAL: Trapelo Road culvert replacement project status noted.
- INFORMATIONAL: Eversource pylon replacement work noted.
- INFORMATIONAL: NEW EPA policy for Charles River stormwater discharge permits noted. Mr. Moser explained that the same requirements already applied to large city projects will now apply to other large developments. He does not expect the policy to be implemented for a couple of years.

Old Business

- Update on the Commission's policy delegating sign-off authority on development prospectuses and fuel storage licenses. Mr. Moser stated for the benefit of the public that we are now in the public comment period. The commission hopes to implement this by its 11/17/2022 meeting.

Site Visit Reports

- Fernald stream daylighting. Mr. Moser reported and showed some photos. Mr. Baker has also visited. Both agree the site looks great, especially considering the drought. The herbaceous plantings have come in well, although the woody plantings are struggling. Mr. Moser noted that the existing Eastern Cottonwood has naturally reseeded very well. Mr. Baker noted that Cottonwoods are also doing well at Mokema. The city would like to submit an RCOC for this site, but Mr. Moser notes they should wait until spring and may have to do some replacement planting. Mr. Baker might contact the Engineering Department about doing invasive training there. He will visit the site again and follow up at a future meeting. Mr. Moser noted that there are a lot of Norway Maples which could be cut.
- Waltham High School. Mr. Moser noted the die-back of the trees at the top of the created cliff. He asked that anyone visiting the site take photos of that area. The commission spent a lot of time on this project, but at this site and at the Market Basket site there has been significant

unanticipated tree die-back above newly-created cliffs. The commission should note this and consider it in future permitting, as he believes the remaining undeveloped land in Waltham may involve similar issues as it is built out.

- Azalea Road. Mr. Dufromont and Mr. Donovan visited on 9/28 with City Engineer Bob Winn. Mr. Winn is discussing other flooding remediation options with an outside firm. Mr. Dufromont and Mr. Donovan agree that this is a natural wetland and flooding will continue to happen. The commission will wait to see what Mr. Winn proposes.

Committee Reports

- **CPC:** Next meeting is October 11, 2022.
- **Trust Fund:** Potential purchases of land, easements, or conservation restrictions using trust funds. No updates.

New Business

- Invasive Control Training (Mr. Baker). Will try to schedule something at Fernald soon. Mentioned past efforts at Mt. Feake and the recent (ongoing) work by DCR at Beaver Brook to control knotweed, part of a 5-year effort by DCR hoping to eradicate an established stand.
- Review and vote on proposed changes to “Additional Conditions For Particularly Large, Complex, Or Environmentally-Sensitive Projects” (SOOC Condition #27). Mr. Moser explained that he has made some changes to bring Waltham’s conditions more in line with what DEP uses in superseding orders. He went over details. These conditions are intended for large, complex projects only and would not automatically apply to a project. Mr. Doyle noted that the commission is always able to change conditions for any project, but having this ready for use is a good idea. Mr. Doyle motioned to adopt the changes, seconded by Mr. Dufromont. **Motion passed.**

Motion to take file 316-0811 off the table by Mr. Doyle, seconded by Mr. Baker. **Motion passed.**

Present for applicant: Curtis Beaton, John Rockwood, James Emmanuel, Jim MacArthur (arborist). Paul MacManus and Matt Watsky joined from another meeting at approximately 1:01:00 in the recording.

Mr. Moser referenced the previous discussion on this project and noted that DEP guidance allows the commission to review this filing with certain local permitting factors in mind, but that potential subdivision, building permits, and zoning variances are not to be accounted for by the commission. The commission must review the lot as it exists today and address whether the project is an improvement, and will look comprehensively at all aspects to make this determination.

Mr. Rockwood re-introduced the project and highlighted changes including alterations to the planting plan and information on tree numbers, canopy coverage, and understory amounts requested by the commission. Mr. Emmanuel provided additional detail. The plan is for a substantial net increase in trees. Discussion. Mr. MacArthur provided information on current tree health and reported that most trees marked for removal are in decline. He noted that there are plans in place to protect the healthy trees and stated that best practices will be followed for pruning. Mr. Baker noted that the decrease to impervious area did not seem an important factor at this site. He had comments on canopy area and overall biomass. Mr. Donovan had questions about the retaining wall at the front of the property relative to potential issues of winter salt and sand and tree health. Mr. Emmanuel explained that the tree of most concern had been selected for its hardiness and salt resistance. Mr. Donovan suggested that the plans offered opportunities for the planting of a few additional trees. He asked for and received a clarification on the new driveway configuration.

Mr. Beaton made a statement highlighting what he believes are important improvements to the site: 19% increase to wooded area, 9% decrease of developed area, 69% reduction of impervious surface within the 100’ riparian area, 58% increase of wooded area within 100’ riparian, increase to canopy,

60+ foot increase in setback of nearest structure. Significant net improvement in his opinion. Mr. MacManus and Mr. Watsky also commented.

Mr. Doyle noted that unlike some other projects, this application does not have simple buffer zone considerations: it is entirely in the riverfront area of Chester Brook. He also noted that the plans should be filed with no subdivision lines. The O&M plan should be noted as applying to any and all successor properties. He suggested both of these be included as special conditions. Mr. Watsky noted that the applicant is amenable to these conditions and that the O&M condition is common. Mr. Dufromont asked why the plan has been submitted as a single lot when a subdivision is anticipated. Mr. Beaton and Mr. Watsky explained that this is what the regulations require; the lot has to be viewed as it exists now and the degraded/improvement standards applied to it. An undeveloped parcel would require a different approach.

Mr. Moser prompted a discussion and clarification of the special conditions which were expanded and agreed upon as follows:

1. The applicant will plant 3 additional native trees on the property, to be shown on a revised plan.
2. The applicant will submit a revised plan, for the commission's files, without potential subdivision lines.
3. In the event that this lot is subdivided in the future, the complete order of conditions, including all special conditions and any Operation and Maintenance plan approved as part of this filing, will explicitly apply to all future subdivided lots and will be included with those deeds, the conditions to continue in perpetuity.
4. A fieldstone wall will be constructed at the rear of the developed area as a boundary marker between the developed area and the restored riparian area and to denote the limit of allowed landscaping.
5. To promote wildlife habitat in the riparian zone, a maximum of 200 linear feet of logs of a minimum 12" DBH will be placed on the ground in the undeveloped area. Logs are to be harvested or salvaged on-site as part of the work and are not to be imported from off-site.

Motion to close the public hearing by Mr. Baker, seconded by Mr. Donovan. Motion passed.

Motion to issue a positive order of conditions with the 5 special conditions as outlined above, by Mr. Baker, seconded by Mr. Andrews. All present in favor. **Motion passed.**

Mr. Moser clarified for the record that the previously discussed Condition 27 would not apply to this project.

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

Meeting adjourned at 8:58 PM.