



**Waltham Conservation Commission
February 2, 2023
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 7:02 PM.

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

Absent:

Public Hearing

Notice of Intent (DEP File # 316-0812) (Continued from 01-19-2023)

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 lab/office space building, two amenity buildings, surface parking, access drives, utility improvements, landscape/pedestrian improvements, and site preparation for anticipated future development.

Mr. Evans informed the commission that he would be asking for a continuance as details with Cambridge Water Department have not been finalized. Mr. Moser recused, Mr. Doyle assumed the chair. Mr. Evans provided an update and the commission has been copied on recent correspondence. The remaining issue at this time appears to be sewer-related and is being reviewed by CWD and under DEP's 3.10 CMR interpretation. Hoping to conclude by the next commission meeting.

Motion to continue by Mr. Baker, seconded by Mr. Dufromont. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0814) (Continued from 01-19-2023)

Applicant: Kim Scott – City of Waltham, Recreation Department

Property Location: 190 & 282 Trapelo Road

Project Description: Project consists of a memorial, chipping range, and disc golf area. Additional improvements include access road, parking, retaining wall, and drainage improvements.

Applicant has indicated that they will not be ready to present revised plans and has requested a continuance to the 2-16-2023 meeting.

Mr. Moser resumed as chair. Motion to continue by Mr. Doyle, seconded by Mr. Baker. The site visit of 1/30 was discussed. Mr. Moser noted no firm commitments by the applicant on items raised at the 1/19/2023 meeting (Moser, Andrews, Sbordone attended site visit). Wetland flagging was noted as

potentially erroneous and missing wetland areas. Applicant will have their wetland scientist review and correct if necessary. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0789) (Continued from 1-19-2023)

Applicant: Paul Boche and Kathy Chen

Property Location: 98 Lakeview Terrace

Project Description: Application for construction of a driveway.

Mark Manganello and Robert Nislick present for applicant. Members of the commission recently visited the site. Mr. Moser noted that compensatory flood storage and moving a fence seemed to be the main issues at that time. Mr. Manganello discussed the compensatory flood storage plan (removing historic fill within Hibiscus Lane) and showed the revised site plan. He noted some invasive Ailanthus trees (5) marked for removal. Discussion. Mr. Dufromont did not feel this plan covered all items discussed at the visit. Mr. Baker questioned if additional work or restoration should be required. Mr. Donovan noted the open question of whether driveway fill had been removed or not. Discussion of the right of the public to use the private way. Fence location, stone wall discussed. Mr. Doyle noted typical right-of-way concerns, specifically that in a 40' right-of-way usually about 20'-24' is kept open while bordering owners use the rest, so he is not overly concerned about the stone wall a few feet into it. He asked for clarification of the volume of fill removal from Hibiscus (it is estimated conservatively at 6 cu.yd. and probably more). Mr. Doyle feels the proposed removal, and accompanying invasive species removal, would be a sufficient compensatory amount. He feels that the commission would have approved this plan if it was coming before it as a new project vs. the after-the-fact nature. He considers the fence a property line issue, with only the standard 6" wildlife gap of commission concern. Mr. Nislick noted owner's concern of the fence gap because of their cat, but that the applicant is eager to resolve this filing with the commission. Mr. Nislick's interpretation is that the fence is within the legal use of the way by the applicant, and that the encroachment is not a "material interference" of use by others. Discussion. Mr. Doyle suggested this may not be an issue for the commission. Mr. Moser will also accept the stone wall but feels the fence should be moved to the property line. He agreed that the gap would be the only explicit fence issue for the commission, but also pointed out that under state law conservation commissions are the default caretakers of conservation land not otherwise assigned, and therefore the encroachment is of concern. The fence is not only about 15' into the private way, but also about 8' directly into an adjacent city parcel. He feels the compensatory removal should be in the applicant's portion of the paper road. He corrected the applicant again by highlighting that the contractor has never provided evidence that fill was removed before paving the driveway. He believes this makes the compensatory removal 15 cu.yd. He is not in agreement with punitive requirements, only a return to original conditions. Clarifying discussion of invasive tree removal. Discussion of fill removal amount and location, especially regarding elevation. Mr. Manganello believes there may be opportunities to do this on the site. He and Mr. Nislick will discuss with the applicant and return. Mr. Donovan noted that he feels the problem can be reduced to moving the fence and resolving the compensatory fill. Mr. Moser agreed and was willing to waive the fence gap if these are resolved. Mr. Donovan and Mr. Doyle agreed.

Motion to continue by Mr. Doyle, seconded by Mr. Donovan. **Motion passed.**

Commission Business

- Approval of meeting minutes from 1-19-2023. Motion to approve by Mr. Donovan seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Correspondence

- Planned MWRA test excavations along Linden Street and Waverley Oaks Road noted.
- Reported flooding in the Lura Lane area and Building Department visit noted.

Old Business

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Site Visit Reports

- Brandeis–Hassenfeld parking lot, 1/12/23. Mr. Baker reports trees being cut on the riverbank and no sign of O&M plan being followed (photos). (Continued from 1-19-2023.) Mr. Moser and Mr. Doyle recused from this discussion. Mr. Donovan took over. Mr. Baker explained some history of work at this location, which dates back at least 5 years. About 3–3½ years ago, Brandeis cut down most of the trees flagged for preservation. In January 2023, they cut the remaining trees. This institution expresses a commitment to environmental issues, but has repeatedly ignored them. Mr. Dufromont suggested sending an enforcement letter asking them to appear and explain. Discussion. After the previous cutting, Brandeis agreed to plant 48 replacement trees, which died because they were not cared for. They asked for permission to replant, which was given, but no replanting was done. It has been about two years since. They have not maintained the area and the stream is silting up because of it. Mr. Donovan moved to send an enforcement letter to appear and explain. Mr. Baker seconded. **Motion passed.**
- Bentley/President's House pond (121 Forest Street) visit, 1/24/23. Mr. Moser and Mr. Doyle recused. There will be another visit 11AM 2/3/23. Discussion. Mr. Donovan noted that the large trees, to be kept, have not yet been flagged.
- 190 & 282 Trapelo Road (Fernald) visit, 1/30/23. (Previously discussed, above.)
- 265 Totten Pond Road: Site visit scheduled for 8AM, 2/8/2023.
- 1105 Lexington Street: received complaint. Mr. Sbordone may have visited today, but dropped off the call and could not report. Mr. Dufromont and Mr. Doyle will be in the area tomorrow and will plan to have a look.

Committee Reports

- **CPC:** Next meeting is February 21, 2023.

New Business

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

Meeting adjourned at 8:10 PM.