



**Waltham Conservation Commission
February 16, 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 7:03 PM.

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

Absent: Alexander Sbordone.

Public Hearing

Notice of Intent (DEP File # 316-0812) (Continued from 02-02-2023)

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.

Applicant requests a continuance to the 3-2-2023 meeting. Motion to continue by Mr. Doyle, seconded by Mr. Donovan. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0814) (Continued from 02-02-2023)

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.

Ms. Scott, Arsen Hambardzumian, Hipolito Aguilera present. Arsen summarized the recent site visit and noted revisions on a site plan. The plan has been redesigned to move work and fences at least 25' away from wetlands and buffer zones except at a small number of "pinch points." The tee boxes have been shifted. The wetlands scientist confirmed the previously flagged boundaries. They agree to provide 3:1 replacement for removed trees. Discussion of tree replacement locations (in buffer zone preferred by commission). Discussion of planned fence and netting heights and dimensions of facility. Maximum distance on range is about 500', max height of net is about 75' (on top of a 6' fence). Mr. Donovan felt the fencing is too high. He asked about a structure for dispensing and collecting golf balls. Ms. Scott and Arsen confirmed that one was planned (although it is not yet on the site plan). Mr. Doyle asked about utilities for the site. Arsen confirmed that underground electrical is planned. Mr. Doyle asked about lighting, fire protection, security. Ms. Scott stated that the property would be closed at dusk, so not needed. Mr. Doyle emphasized that his concern is after-hours security. He

raised the issue of the conservation restriction required on this property when it was purchased using CPA/CPC funds. Discussion. It is believed that this has not yet been completed and Ms. Scott will follow up with Waltham CPC. Mr. Dufromont also noted this issue and suggested Ms. Scott contact the Law Department. Mr. Moser highlighted some conditions observed at the site visit and noted that this work will result in improvements. He is in favor of the fence changes overall and suggested several locations for wildlife passage gaps. He pointed out possible locations for replacement trees. He noted that since the commission only received these revised plans this afternoon a continuance should be expected. On the conservation restriction, he believes the Rec. Department and the city are acting in good faith but this is an important legal requirement that must be resolved. He suggested that execution of the restriction be included as a condition of any order issued by this commission. Additional discussion of fence and net heights. Regarding wildlife, specifically birds, potentially being caught in the net, Mr. Moser recommended that another condition be that the applicant work with Waltham PD's animal control officer to develop a written rescue plan for handling this situation. Arsen noted that netting would be stepped up, beginning at a lower height and reaching the maximum farther up the hill. Mr. Dufromont asked after the plan to retrieve balls. Ms. Scott said they are looking into purchasing a UTV to collect balls for return, cleaning, and redistribution.

Resident Daniel Saari spoke. Mr. Saari thanked the commission for raising the conservation restriction issue. He stated that the city is violating the law by dumping soil on this parcel. He suggested that installing artificial turf may be illegal under the CPA, and that at least installing it using CPA funding would be illegal. He stressed the toxicity of artificial turf and potential contamination of the wetlands. He made the same point for golf balls entering the wetlands, specifically noting zinc acrylate. He noted the Rec. Dept's stated need for handicap access, but few actual handicap spaces are included, and questioned adding parking in a wetland. He stated that this facility duplicates others nearby and is not needed.

Motion to continue by Mr. Doyle, seconded by Mr. Andrews. **Motion passed.** Mr. Moser requested that any additional updates to this plan be given to the commission in about one week, to allow proper time for review.

Public Hearing

Notice of Intent (DEP File # 316-0789) (Continued from 02-02-2023)

Applicant: Paul Boche and Kathy Chen

Property Location: 98 Lakeview Terrace

Project Description: Application for construction of a driveway.

Applicant requests a continuance to the 3-2-2023 meeting. Motion to continue by Mr. Doyle, seconded by Mr. Donovan. **Motion passed.**

Public Hearing

Abbreviated Notice of Resource Area Delineation (ANRAD) (DEP File # not yet assigned)

Applicant: James LaCrosse – City of Waltham

Property Location: 901 Moody Street

Mr. LaCrosse, Robert Waters, Cathyann Harris (Ward 8 Councillor) present. Peter Backhaus, Mike Martin, and Dave Murphy of Tighe & Bond also present. Mr. LaCrosse summarized the history of the site ("Woerd Ave Landfill"). It was an unlined landfill in operation from 1912 to 1973, primarily used for municipal solid waste (MSW). Koutoujian Playground is on part of the site, but the majority is regrown woods. The city has done extensive assessment work over the past 20 years which he summarized. Mr. Martin spoke briefly on landfill capping plans and the proposal for a passive recreation area. Mr.

Backhaus spoke on the wetland delineation and the reason for an ANRAD. The delineation concerns Cram's Cove and the determination of the area as riverfront. Applicant's argument is that the cove is not hydrologically connected to the Charles River and should count only as buffer zone and inland bank. Mr. Murphy also spoke on the issue. He noted that a rationale for the ANRAD and the change to delineation is to avoid the landfill remediation being joined to remediation of the cove itself. That potential outcome would exceed current plans and available funding. Mr. Martin added details relating to potential MEPA/EIR process. He stated that there is not enough data to estimate costs of sediment remediation/removal if the cove is included. The old incinerator nearby in Newton and ash pollution were mentioned. There is a time limit on use of the available federal funds. If the cove is included, the state would need to be involved because of the location and access issues. Mr. Backhaus added that the designation of this area as riverfront is more hypothetical than real, and is based on the cove's location not its ecological function.

Mr. Moser thanked the applicant for their hard work on this site. He noted that under regulations, an area is riverfront or it's not riverfront: issues of scope and scale or the budget of a particular project don't factor into the determination. Mr. Dufromont raised the idea of a site inspection. Mr. Doyle asked if the request is to declassify this site as riverfront, which the applicant confirmed. Discussion of regulatory ability, potential ramifications. He feels that more work to justify this decision is required, as a decision in this direction would be appealed by DEP and requires detailed documentation and evidence. Mr. Donovan asked about the amount of work that would be done in the jurisdictional area. Mr. Martin confirmed that much of that area is landfill which will be cleaned and capped. An NOI will be filed for that. Mr. Murphy gave details of the cleaning and capping process. Mr. Martin responded to a question about pollution amounts in the cove. He noted that probably about half of the immediate area was once wetlands which were filled and developed (1800s). Historical development and pollution discussed. A preliminary plan of the park design was shown. Mr. Moser pointed out that this is not relevant to the delineation question but would be dealt with if an NOI is filed. Mr. Donovan wanted to see the plans, as that allows visualization of the extent of the cleanup and follow-on work. Mr. Baker agreed that the resource area is river until proven to not be river. Mr. Moser explained how this area has been designated river either by statute or by regulation, and that past rulings on applications in this area have always determined this to be river, per regulations and DEP guidance regarding both Purgatory Cove and Cram's Cove. He supports this precedent until and unless convincing evidence is presented to show otherwise. He asked Mr. Backhaus about specific resource area quantifications in the application. Discussion. Mr. Backhaus noted that the bank is very steep and no inland bank has been identified.

Motion to continue by Mr. Doyle, seconded by Mr. Donovan. Mr. Doyle noted that an "MOU" was filed in the past for 48 Woerd Ave, which might be relevant to this filing, as well as the more recent filing for 74 Rumford Ave. The commission office will provide the 74 Rumford Ave material to the applicant. The idea of river cleanup was raised again. Mr. Moser pointed to the ongoing cleanup at 425 Waverley Oaks Road as a complex and expensive project that is being done right, with DEP intervention and approval. Mr. Moser again stressed that the commission supports the cleanup work at this site. **Motion passed.**

Commission Business

- Approval of meeting minutes from 02-02-2023. Motion by Mr. Donovan, seconded by Mr. Doyle, **motion passed.**
- Storer Conservation Land: Invasive Plant Management and Restoration Planting. Mr. Moser reported that a patch of Ailanthus has been found on the Storer property. As the use of Rec. Department and other city resources to address an earlier Ailanthus issue was difficult, he requested that the commission allow hand pulling by volunteers as well as replacement planting

using the commission's baby trees. Mr. Dufromont moved to allow this, Mr. Donovan seconded. **Motion passed.** Mr. Moser will provide dates as the effort comes together.

- FY2024 Budget Request. Mr. Moser noted that the annual process has begun and solicited suggestions. He recommended requesting 50 hours additional for Mr. Daly to use for relevant training (this amount keeps the position part time and does not trigger full time benefits). The commission supported this. Discussion of the Conservation Agent as a Senior Code Enforcement Officer (vs. the current Code Enforcement Officer) and the ramifications for qualifications and applicant pool. He would like to make this change. The commission supports this. No additional requests were made.

Correspondence

- Boston Gas work at the end of Chesterbrook Road / Jack's Way. NDA was issued July 2022. The commission asked Mr. Daly to contact the contractor regarding city approval to dig in Jack's Way, which was recently repaved.
- Building Department has informed Conservation of a possible violation at 21 Grove Road. Discussion. Dumping is not, as reported, on city conservation land but is still a violation of fill in the floodplain. Mr. Donovan believes this property was before the commission a few years ago and the material is construction debris. The commission office will check the files. The office will check with the Building Dept. and if they are not independently addressing this will also send a potential violation letter. Mr. Donovan will drive by the address to see what can be observed from the street.
- MWRA notification of test excavations along Linden Street and Waverley Oaks Road, to begin March 6. Weston Aqueduct rehabilitation work. MWRA requests confirmation that the work qualifies as exempt.

The commission discussed this project and MWRA's assertion of exemption. The planned excavation appears to be substantial and the commission feels the correspondence from MWRA does not provide enough detail to agree that an exemption applies and that no NOI is required. An RDA filing would have accomplished this. A message will be sent, for a second time, to MWRA requesting that they appear informally at the next meeting to discuss details.

Old Business

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Site Visit Reports

- Bentley/President's House pond (121 Forest Street) visit, 2/3/23. Deferred pending appearance of applicant with RDA at the 3/2/23 meeting.
- 265 Totten Pond Road, 2/8/23. Mr. Donovan reported that this would clearly require an NOI and has drafted a letter and also discussed with the city engineer. Mr. Moser has also visited and concurs. There are bridges over the stream in a floodplain—obstructions which need to be removed. Action pending more information from Engineering.

Committee Reports

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

New Business

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Executive Session

- The public portion of the meeting was adjourned and the recording stopped. **[Approximately 9:05 PM.]** The commission went into executive (closed) session to discuss a personnel matter. At the conclusion of this discussion, the meeting was adjourned without returning to an open meeting.

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

Meeting adjourned at 9:18 PM.