



**Waltham Conservation Commission**  
**May 11, 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, Louis Andrews.

**Absent:** Bradley Baker, Alexander Sbordone.

**Development Prospectus**

- 1256 Main Street. Damon Schmidt spoke for the applicant. The commission has seen this prospectus before, it is before it again due to revisions made during the special permit process with City Council. It remains outside jurisdiction. Mr. Schmidt summarized the project. The commission had no questions or concerns. Motion to authorize the chair to sign-off by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

**Informal Discussion:**

**Piety Corner Club / 2 Worcester Lane**

Update on site conditions, requested change.

Brian Moroney appeared in order to update the commission regarding a condition, specified at the 4-27-2023 meeting, to install an additional layer of granite blocks. He explained that the contractor has determined this to be difficult to impossible based on slope, trees, unevenness of the ground, and equipment limitations. Mr. Moroney also cited concerns raised by their insurer regarding site safety. He asked that this condition be removed. Discussion. The intent of this condition was to protect the stream and prevent erosion. Alternatives were discussed such as a timber barrier or a fence. Mr. Dufromont expressed skepticism and asked for a letter from the insurer. Mr. Donovan raised a procedural concern; it was confirmed that as an RDA and a public meeting (not hearing), with the NDA not yet issued, this change could be made. Mr. Andrews asked for clarification on the safety concerns. Mr. Moser asked if this has any effect on the flood plain status; Mr. Moroney said it does not. Mr. Dufromont stressed that his concern is about protecting the stream from debris: the method (granite, timber, etc.) is not the issue and safety is a separate but non-jurisdictional issue. Granite had been suggested because the applicant already had it available at no cost. Mr. Moser suggested that with this in mind, even a barrier that would allow roots to grow into it and which would decompose over time would be acceptable. Mr. Dufromont said the applicant planned to dig and spread loam and seed, so this would not be sufficient. Mr. Moroney clarified that no loam will be brought in. Mr. Doyle was satisfied with the alternatives proposed, with monitoring to adjust as needed. Mr. Donovan and Mr. Andrews concurred.

Motion to strike the granite block condition by Mr. Doyle, with straw wattles or alternative required; the installation of a low fence to be allowed, and monitoring to be done. Seconded by Mr. Donovan. Discussion. Mr. Donovan stated that stumps are not to be grinded below ground level, which Mr. Moroney had planned. It was clarified that ground level was previously specified, which is the standard for the commission. Any fence would be required to meet code. Mr. Dufromont stated that a fence is unrelated to the matter before the commission. There was a brief pause and discussion was suspended when Mr. Moser lost his connection. Mr. Moser asked if the applicant was amenable to the conditions proposed. He was. The motion was called. **Motion passed.**

Mr. Moroney told the commission that the approved tree work is to begin on 5/22. It was noted that the replacement Red Maple tree long owed by the city has been planted. But the city planted a Cherry tree as part of its "Giving Tree" memorial program. This is not a native species. The commission will not hold the applicant responsible for the unapproved substitution and any action will be directed to the city.

### **Commission Business**

- Approval of meeting minutes from 4-6-2023 and 4-27-2023. Motion to approve 4-6 minutes by Mr. Donovan, seconded by Mr. Andrews. **Motion passed.** Motion to approve 4-27 minutes by Mr. Dufromont, seconded by Mr. Doyle. **Motion passed.**

### **Correspondence**

- DCR expansion of the "Meadowscaping for Biodiversity (MS4B)" project near 180 Calvary Street noted. Exempt activity (planting of native species).
- Resident report of activity on Purgatory Cove noted. Part of DCR invasive management project. DCR meeting to discuss the 2023 treatment plan is scheduled for 5/15.
- DEP circuit rider comments on the NOI for 171 Copeland Street (316-0816). Brief discussion of DEP concerns and contact with applicant's contractor. Very minor issues. Will act based on pending additional information from DEP. Possibly no Commission action needed.

### **Old Business**

- Seminole/Mokema invasive work update. Mr. Moser updated the commission. The work day was rained out, but some small trees were removed. Tentatively rescheduled for 5/27. He updated the count of invasive trees to be removed from the path: 3 Black Locust, 3 Norway Maple. He raised a concern over a large Norway Maple on city property which is a threat to the house at 201 Mokema Avenue. The city does not have the internal resources to deal with this and it will need a professional. He asked if the commission approved of soliciting quotes from outside firms for this work. The commission approved. Any expenditure would need to be coordinated with CPW, but could use ConCom funds. Brief side conversation regarding upgrading the open Conservation Agent position to Senior Code Enforcement Officer level. This will require re-authorizing the position. Mr. Donovan agreed to assist Mr. Moser in getting quotes. Mr. Dufromont asked if removing this tree risked setting a precedent or raising legal concerns regarding city work at private homes. As the tree is on city property and poses a danger, Mr. Moser believes this is within existing city responsibilities. It had just not been brought to the city's attention and they do not have easy access or appropriate equipment. He is the initiator, on behalf of the city, not the homeowner. It will also remove the last invasive tree from this parcel, which has been a goal for the commission.

### **Site Visit Reports**

- 21 Grove Road (Mr. Donovan). Mr. Donovan confirmed that the site has been cleaned up.
- 36 Kingston Road (Mr. Donovan). The petitioner abandoned the fill idea. He has replaced the existing chain link fence with vinyl (to match the sides). Grading in front yard (not in jurisdiction).

He has not done work the commission recommended he avoid. Mr. Donovan was not sure if the fence has a 4" gap (he did not enter the property to confirm).

- Piety Corner intersection project (Mr. Donovan). The trees and shrubs required by the planting plan were not put in place prior to the east bound lanes being opened. Mr. Daly added that CPW has been asked about this and the response was that this is not part of the contractor's responsibility, it is to be done with in-house resources. The landscaping was agreed upon after threat of legal action by an abutter, so it needs to be completed. Mr. Donovan noted preparations adjacent on Lexington Street for MWRA excavations.
- 360 Second Avenue (Mr. Dufromont). Stored material has been removed and jurisdictional area cleaned up. Clarified that the cut trees were probably done 5-10 years ago under a previous owner. Cambridge Water Department, which brought this incursion to the commission's attention, will be informed of the successful resolution.
- 64 Hiawatha Ave (Mr. Baker). Deferred.
- 34/44 Hiawatha Ave (Mr. Baker). Deferred.
- 98 Lakeview Terrace (Mr. Doyle, Mr. Moser). Mr. Doyle reported on recent visits. Work was "about 90% there" but not complete; fence still to be removed. Mr. Donovan also visited this morning and had photos. He is not sure the native seeding has been done in the swale area. Review of photos and discussion. Mr. Moser wondered if the new buyer should be sent a letter to note the recent conditions. This could also be sent via the realtor (Hans Brings). The office will draft a letter for commission approval. Mr. Moser took a moment to thank Mr. Doyle on the record for his efforts on this project. This project took a lot of time and effort but the commission is so far happy with the results.
- Fernald property site visit 5/8/2023 (316-0814 appeal). Mr. Doyle and Mr. Dufromont attended. Summary and discussion. The DEP has not revealed much and has not issued a ruling. The commission feels the conditions were drafted and voted on in good faith and that the applicant had multiple public sessions to discuss and negotiate the conditions which were ultimately agreed to, but then appealed. DEP's involvement is viewed as positive by the commission. Mr. Moser noted a related discussion with the DEP circuit rider about the rat poison condition and how it would apply in a jurisdictional area. Mr. Doyle commented on the difficulty of enforcing that condition, but wondered why the amount of poison the city is using is not public knowledge. Mr. Doyle believes it possible that DEP will return the appeal to the commission with comments and suggestions, in the hope that the commission and applicant can negotiate a resolution without DEP having to issue a superseding order. Mr. Dufromont feels it was a good visit and that the DEP representative concurred with many of the commission's special conditions.

### **Committee Reports**

- **CPC:** Public input meeting was May 9, 2023. Mr. Doyle was unable to attend last minute and could not provide an update. Information should be available via the CPC web page.
- Mr. Dufromont noted that the annual meeting for the Conservation Trust Fund will take place at the commission's next meeting (5/25/2023).

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

Meeting adjourned at 8:15 PM.