



**Waltham Conservation Commission  
September 6, 2018  
Meeting Minutes**

Meeting called to order at 7:00 p.m.

**Attendees:** Chair Philip Moser, Brad Baker, Mike Donovan, Gerard Dufromont, Courtney Semlow, Vice Chair Bill Doyle (7:05 p.m.)

**Absent:** None

Motion made by Mr. Dufromont to take an item out of order, seconded by Mr. Baker. All in favor. **Motion passed.**

**Public Meeting**

**Request for an Insignificant Change** (DEP File #: 316-0708)

**Applicant:** Second Avenue Hotel LLC

**Property Location:** 250 Second Avenue

Paul Finger, Paul Finger Associates, requested an insignificant change to add two small patios onto the hotel. 100% of the stormwater is infiltrated in the front of the building. Water quality and volume are not an issue. It's not a resource area or a buffer zone project and it is non-jurisdictional. The increase in impervious area is 300 sq. ft. (the area is now grass).

Motion made by Mr. Doyle to approve the insignificant change, seconded by Mr. Baker. All in favor. **Motion passed.**

**Request to Rescind Enforcement Order** (Continued from 8-16-2018)

- MBTA/Keolis

Mr. Doyle recused himself due to a potential conflict of interest.

Atty. Steve Richmond, Beveridge and Diamond PC, environmental counsel to Keolis, stated that they received the City's response last evening which also indicated that additional clearing had taken place since the site visit a few weeks ago. Atty. Richmond apologized and said that the work conducted was a mistake. He noted that the Commission issued an Enforcement Order in May. MBTA and Keolis representatives started attending ConCom meetings and have had a dialog going for several weeks. Since they were nearing the appeal filing deadline, they filed an appeal with the Superior Court. If they don't reach an agreement with the Commission by the deadline of Sept. 26<sup>th</sup>, then they will have to serve and start the court process. Mr. Moser requested that they discuss the additional cutting of trees that happened within the past two weeks. Clary Coutu, Keolis, stated that she learned last night that more brush cutting occurred. She had put in a work order to clean up the area (materials and bees). As soon as the crew realized they weren't supposed to remove anything, they immediately stopped. The Commission members expressed their concerns about the additional clearing. Ms. Coutu stated that there was no malicious intent; it was a miscommunication. No trees were cut, only brush was cleared. Mr. Moser noted that the clearing was not on the active tracks; it was on the banks of the Beaver Brook. After much discussion, the Commission agreed to another site visit to make final decisions on what needs to be done to come to a resolution.

A site visit has been scheduled for Wednesday, September 12<sup>th</sup> at 5:00 p.m.

Ms. Coutu stated that in regards to the response they received from the City, she is not in agreement with Item #18. She would also like to address at the site visit work in Area 6, Items 15, 16 and 17.

Motion made by Mr. Baker to continue until the next meeting, seconded by Mr. Dufromont. All in favor. **Motion passed.** Mr. Doyle returned to the meeting.

Approved 10-4-2018

**Public Meeting** (Continued from 8-16-2018)  
**Request for an Insignificant Change** (DEP File #: 316-0730)  
**Applicant:** AstraZeneca  
**Property Location:** 35 Gatehouse Drive

Paul Joyce, AstraZeneca, noted that they are asking to change their de-icing procedures. Per the Commission's request, Mr. Joyce gave a brief overview of all of the filings for this site.

DEP File # 316-0306: Original development of the site with three amendments for the cooling tower, parking garage and buildings built between 2008 - 2010.

DEP File # 316-0417: Roadway improvements on Winter Street (minor road widening and drainage improvements).

DEP File # 316-0556: Emergency access bridge replacement.

DEP File # 316-0578: Vegetative treatment plan and aquatic control treatment.

DEP File # 316-0664: Invasives management plan.

DEP File # 316-0730: Implementation of invasive species and control program.

DEP File #s 316-0578 and 316-0730 are still open. The others have been issued Certificates of Compliance.

The Commission members were in agreement to amend the open Orders of Conditions and an approval letter will be attached to the closed orders and filed at the Registry at Deeds. Ms. Semlow asked if the Applicant is limited to the two specific products. Mr. Moser confirmed that they are. If they choose to use different products in the future, they will need to come back for another approval.

Motion made by Mr. Doyle to approve the request, seconded by Mr. Baker. All in favor. **Motion passed.**

**Public Hearing** (Continued from 8-16-2018)  
**Notice of Intent** (DEP File #: Not yet assigned)  
**Applicant:** Tali Gill-Austern  
**Property Location:** 157 Riverview Avenue  
**Project Description:** Build a seasonal dock with a stairway.

Motion made by Mr. Dufromont to continue until the next meeting.

**Public Meeting**  
**Request for Certificate of Compliance** (DEP File #: 316-0565)  
**Applicant:** Mezzaluna 61 LLC  
**Property Location:** 61 Crescent Street

Gregg Eaton, Micozzi Management, represented the Applicant. They are requesting a Certificate of Compliance for a retaining wall that was installed along the river. The as-built plan agrees with the original plan. Dan Driscoll, DCR, stated that the wall and parking lot are an encroachment on the DCR easement. From DCR's standpoint, this is unresolved. He did note that the work that was done for this particular filing is complete.

Motion made by Mr. Doyle to issue a Certificate of Compliance, seconded by Mr. Donovan. All in favor. **Motion passed.**

**Public Meeting**  
**Request for Certificate of Compliance** (DEP File #: 316-0673)  
**Applicant:** Hobbs Brook Management, LLC  
**Property Location:** 275 & 303 Wyman Street

Mr. Moser recused himself from the next four public meetings due to a potential conflict of interest.

Jim White, H.W. Moore Associates, stated that the project was completed a couple of years ago. They inspected the overflow from the detention basin and the double spreader. There is no erosion or signs of any disturbance. Mr. Dufromont has been out to the property and stated that the area looks fine.

Motion made by Mr. Baker to issue a Certificate of Compliance, seconded by Mr. Donovan. All in favor. **Motion passed.**

**Public Meeting****Request for Certificate of Compliance** (DEP File #: 316-0720)**Applicant:** 275 Wyman LLC c/o Hobbs Brook Management**Property Location:** 303 Wyman Street

Jim White, H.W. Moore Associates, stated that the project involved the installation of two waters lines which were connected to the HVAC unit. It was completed two years ago and the grass has grown in.

Motion made by Mr. Baker to issue a Certificate of Compliance, seconded by Mr. Dufromont. All in favor.

**Motion passed.**

**Public Meeting****Request for Certificate of Compliance** (DEP File #: 316-0703)**Applicant:** Hobbs Brook Management, LLC**Property Location:** 404 Wyman Street

Jim White, H.W. Moore Associates, stated that there's a culvert that discharges into the nearby wetland that was filled with sediment which was removed. There was also a wetland replication. The City installed new sidewalks. Gravel had been put down for the sidewalks that were put in place. The culvert was clogged with the gravel after a large rainfall event. Part of this project was to remove the gravel. Mr. Donovan asked about the flash flooding in the area. In restoring it, he asked if they made any changes to prevent crushed stone from going into the wetland again. Mr. White replied that now that the work has been completed, he isn't aware of any flooding. Hobbs Brook has been active about keeping the culvert clear.

Motion made by Mr. Baker to issue a Certificate of Compliance, seconded by Mr. Dufromont. All in favor.

**Motion passed.**

**Public Meeting****Request for Determination of Applicability****Applicant:** Hobbs Brook Management, LLC**Property Location:** 590 Lincoln Street

**Project Description:** Pavement restoration of the parking area and drives, and installation of a precast concrete headwall with a grate at the existing drain pipe inlet adjacent to easterly wetland.

Jim White, H.W. Moore Associates, stated that they resurfaced the parking lot and installed water quality swales twelve years ago. The pavement has since deteriorated and they want to repave it. They would also like to install a precast concrete headwall to gain access to clean the pipe. Mr. Donovan asked if they are increasing the existing paved area and they are not. He asked if they are changing any of the islands and they are not. Mr. Donovan asked if they are replacing the 12" storm line with a larger pipe. Mr. White replied that they are not replacing it. They only want to add a headwall. Mr. Baker asked if they are digging out the area by hand to install the headwall. Mr. White replied that they will need a small excavator. Mr. Baker asked if they will be cleaning out the culvert when they are installing the headwall. Mr. White responded that they will be jetting it out. Ms. Semlow asked for clarification on the grading. Mr. White explained the process. Mr. Doyle asked if the existing swales are being maintained now. Mr. White replied that they are. Mr. Doyle asked if they will maintain the grate and they will. Mr. Doyle would like them to video the line after it has been jetted out.

Motion made by Mr. Baker to issue a negative Determination of Applicability with the following conditions: Applicant maintains the headwall; cleans and videotapes the pipe; verifies the size of the pipe and invert elevation; and allows access of the excavator through the fence gate. Motion seconded by Mr. Donovan. All in favor. **Motion passed.**

Mr. Moser returned to the meeting.

## Public Hearing

**Notice of Intent** (DEP File #: 316-0744)

**Applicant:** City of Waltham Planning Department

**Property Location:** 1265 Main Street to Beaver Street

**Project Description:** Construction of the Waltham segment of the Mass Central Rail Trail – Wayside Branch

Catherine Cagle, City of Waltham Planning Director, introduced Project Manager Amy Archer, Pare Corporation. Ms. Archer gave an overview of the project. The rail corridor will be built on the abandoned railroad and will span 2.74 miles. It will be a multi-use path which will be ADA compliant. It will be an approximately 12 ft. path with 3 ft. shoulders. Along the eastern side, the project is within jurisdiction. Within the western part, three bioretention areas will be put in to capture water that otherwise would sit on the path. Victoria Howland, Pare Corporation, explained where the ballast system is located. The ballast is an existing compacted surface which acts like a dirt path. The proposed path falls under the MA stormwater handbook standards as a footpath, bike path and other path for pedestrian and/or non-motorized vehicle access. The goal is to provide as much stormwater management as possible. They will be using QPAs (Qualifying Pervious Areas) for this project, which consists of a vegetated, grass strip adjacent to a paved surface. Lauren Gluck, Pare Corporation, stated that Pare delineated the wetlands in the fall of 2017. There are no wetlands in the western part of the path. All of the wetlands are concentrated on the eastern side of the path. There are no BVD or isolated wetland impacts. In areas where there will be impacts to vegetation, there will be landscaping plantings of native trees and shrubs to revegetate those areas. At the crossing at the Lyman Pond outlet, there is an existing timber bridge supported by timber piles, five of which are in the waterway. Depending on the level of deterioration, the piles may need to be encapsulated with concrete to preserve them, which could cause up to 4 sq. ft. of permanent fill in the waterway. Ms. Gluck then pointed out on a map the areas within ConCom's jurisdiction. Ms. Semlow asked about the road on Linden Street. Ms. Archer replied that it is an access ramp for people to access the trail. It is being constructed as a timber structure, which will have gaps within the decking to infiltrate itself and it will be on small piers. Mr. Dufromont asked if they will be cleaning out culverts. Ms. Archer stated that they could add a specification to clear them out. Mr. Dufromont asked how they are going to handle the removal of the timbers and the rails so that it doesn't impact the wetlands. Ms. Archer responded that it is in the contract that the debris is encompassed and carried away in an efficient manner. Mr. Doyle would like the jurisdictional area between the stations tabulated. He asked Dan Driscoll, DCR, about DCR's lease agreement with MBTA. Mr. Driscoll replied that MBTA owns the land, but DCR has a 99-year lease on it. Mr. Doyle asked who is responsible for maintaining the culverts. Mr. Driscoll responded that all the structural elements within the corridor over which the path will go, including bridges, culverts, any water resource areas, is all DCR's responsibility. Mr. Donovan asked about the location of the path and how it might now always be exactly where the old tracks are. Ms. Archer replied that it is almost consistently on the tracks with minimal impact. Mr. Moser asked about DCR being listed as the owner of the property, and should it be changed to MBTA. Ms. Archer replied that having DCR listed as the owner is approved per the lease. Mr. Driscoll stated that it's a transfer of care and control. Mr. Moser would like it specified that the timber bridge work be done in August or September when the flow is the least. Ms. Archer will provide the Commission with the specifications of how they plan on pouring the concrete for the bridge. Mr. Moser requested that they leave a minimum 4-inch gap with a solid bar under the chain link fence. Mr. Moser asked about winter maintenance of the path. Mr. Driscoll noted that they do not plan on doing winter snow removal at this point. Mr. Moser asked if they will be providing engineered slope stability in certain areas. Ms. Archer replied that they weren't intending on slope stabilization, just the fence at the top for safety purposes. There is existing vegetation which will provide stabilization. Mr. Moser would like to see more of an invasives management plan. Mr. Driscoll replied that this work would go beyond their jurisdiction, which would require permits from MBTA.

A site visit has been scheduled for Wednesday, September 12<sup>th</sup> at 3:30 p.m., meeting at the CVS parking lot on Linden St.

Mr. Moser opened up comments from the public. Waltham residents Leo Keightley, David Hutcheson, Josette Akresh-Gonzales, John Allen and Sharline Nabuline all spoke in support of the proposed trail.

Motion made by Mr. Doyle to continue until the next meeting, seconded by Mr. Baker. All in favor. **Motion passed.**

## Commission Business

- Motion made by Mr. Doyle, seconded by Mr. Dufromont to approve the meeting minutes from 8-16-2018. All in favor. **Motion passed.**
- Formal withdrawal of the Enforcement Order against Pizzi Farms Condominiums: Motion made by Mr. Doyle, seconded by Mr. Baker to formally withdraw the Enforcement Order. All in favor. **Motion passed.**
- Question from a concerned resident. Motion made by Mr. Doyle, seconded by Ms. Semlow to table until the next meeting. All in favor. **Motion passed.**

Approved 10-4-2018

### **Correspondence**

- **3 & 11 Waverley Oaks Road:** Mr. Moser visited the site. Beaver Brook has been cleared of all shrubs on both sides and within 6–8 feet of the brook. Mr. Moser will write up a field report, following up with a letter asking the owner to attend a future meeting.

Motion made by Mr. Doyle to table **Old Business**, seconded by Mr. Baker. All in favor. **Motion passed.**

### **Committee Reports**

- CPC
- Trust Fund: Potential purchases of land, easements or conservation restrictions using trust fund

### **Site visit reports**

### **New Business**

- Potential uses for filing fees in administering the Wetlands Protection Act

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

Meeting adjourned at 10:32 p.m.