



**Waltham Conservation Commission  
September 20, 2018  
Meeting Minutes**

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

**Attendees:** Brad Baker, Mike Donovan, Gerard Dufromont, Courtney Semlow, Bill Doyle (arrived at 7:44 p.m.)

**Absent:** Chair Philip Moser

**Public Hearing** (Continued from 9-6-2018)  
**Request to Rescind Enforcement Order**

- MBTA/Keolis

Mr. Donovan served as acting chair for this hearing. He stated that Keolis needs to put in place a proactive policy of notification for any work that will be done in the future. The Conservation Commission office needs to be contacted directly by both certified mail and e-mail, and that someone from Keolis come in and explain what is involved and what the time frame is. Clary Coutu, Director of Environmental Affairs at Keolis, stated that they have a process in place whenever they release a Vegetative Management Plan (VMP). They send the packages via Certified Mail. She promised to also send an e-mail to the Conservation office with a link to the online VMP. Mr. Donovan listed what the City has agreed to in Keolis's restoring the area they cleared out.

Mr. Donovan opened up comments from the public. Tim Martin, 66 Rose Hill Way, stated that MBTA did not seek any interaction with the neighbors when the trees were being cut down. He noted that he was able to save a few trees because he was home and spoke with the crew cutting down the trees, however his neighbors lost all of their trees. Ms. Coutu responded that they need to keep the tracks clear of vegetation. She explained how they determine what gets cut back. David Dunbar thought they weren't supposed to cut trees in the wetlands, but they did. Ms. Coutu replied that is the reason why they are in front of the Commission. Ms. Coutu noted that if anyone who has concerns about the work that was done and what the restoration plan is outside of the ConCom's jurisdiction, they can contact her at 617-874-6946. Dan Driscoll, DCR, stated that they are satisfied with the proposed mitigation program. He would like DCR to get a review of the final plant list and their locations. He also requested that the plantings all be native. Finally, he recommended a 24-month warranty on the plantings. Mr. Donovan confirmed that there is a 24-month warranty on native plants noted in the agreement.

Motion made by Mr. Donovan to close the public hearing, seconded by Mr. Baker. All in favor. **Motion passed.**

Motion made by Mr. Dufromont to approve and sign the settlement agreement and the scope of work agreement. Motion seconded by Mr. Baker. All in favor. **Motion passed.**

Mr. Doyle arrived at the meeting at 7:44 p.m.

Mr. Donovan passed the gavel to Mr. Doyle.

**Public Hearing** (Continued from 9-6-2018)

**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

Amy Archer, Pare Corporation, summarized the project for those in attendance not familiar with it. Only trees impacted by the trail will be removed. She noted that the trees beyond the scope of the trail will remain. Dan Driscoll, DCR, explained what is allowable for the path in their lease with MBTA. Mr. Doyle asked for a copy of DCR's lease agreement for the Commission's files.

Approved 10-4-2018

Mr. Doyle opened up comments from the public. Resident Christine Pothier, Rose Hill Way, doesn't see the point of the path. Mr. Driscoll explained the reasoning and benefits of the path. Mr. Doyle noted that tonight's meeting is to ensure that the wetlands are protected. There is a further planning process outside of the Conservation Commission's approval. After much discussion with concerned residents in attendance, and explanation of the project and where the path will be built in relation to their properties, Mr. Doyle recommended that they voice their concerns and requests with the Planning Department. Stephen Sweder, Rose Hill Way, asked if the fence will run along Rose Hill Way. Mr. Doyle replied that it will start at 110 Beaver Street and run 600 feet west. Ms. Archer added that it will run between the active rail and the non-active rail. Mr. Doyle stated that it will not run along Rose Hill Way. Tim Martin, Rose Hill Way, is concerned about the lack of an entrance from Warrendale. Kids will walk across the active rail to get to the trail. Mr. Doyle suggested that the residents contact the Planning Department to request that the fence be extended. The other concern from residents is to add additional landscaping, which Mr. Doyle also recommended they contact the Planning Department to discuss.

Motion made by Mr. Donovan to close the public hearing, seconded by Mr. Baker. All in favor. **Motion passed.**

Motion made by Mr. Donovan to issue a positive Order of Conditions with the Commission's standard Order of Conditions with the additional ten special conditions recommended by the Applicant. Motion seconded by Mr. Baker. Discussion of the motion: Mr. Doyle would like to add the allowance of DCR and the City to install additional landscaping per future discussions. Ms. Semlow requested the condition be changed in relation to the length and design of the fence. "Bid documents" will be changed to "75% design documents" as amended by the City of Waltham and DCR. All in favor of the motion. **Motion passed.**

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

### **Public Meeting**

#### **Request for an Insignificant Change (DEP File #: 316-0722)**

**Applicant:** Deepak Mohapatra

**Property Location:** 12-16 Rumford Avenue

Deepak Mohapatra represented himself. He purchased the property a year ago and would like to make a minor change to the original plan proposed by the previous owner. He is making minor changes to the deck in the back of the property. The footprint will remain the same, with no additional impervious area. Mr. Donovan noted that it was agreed to put in erosion controls by the burnt timber wall near the cove. Mr. Mohapatra stated that the contractor is putting them in. Mr. Doyle noted that the change to the plan will only be an architectural change.

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

### **Public Hearing (Continued from 9-6-2018)**

#### **Notice of Intent (DEP File #: 316-0743)**

**Applicant:** Tali Gill-Austern

**Property Location:** 157 Riverview Avenue

**Project Description:** Build a seasonal dock with a stairway.

Tali Gill-Austern stated that he hired Paul Finger, Paul Finger Associates, to help with the filing of the paperwork. He will be installing a short set of wooden stairs from the top of his property which will terminate at the water. He will be applying for Chapter 91 and DCR permits to put in a seasonal dock if the project is approved by the Conservation Commission. Mr. Doyle asked that only four posts will be put in the ground. Mr. Gill-Austern agreed. He stated that he would like to cut down a dead tree. Mr. Baker replied that he can do that as long as he isn't removing the stump. Mr. Gill-Austern made a request asking that he not provide a survey of his property with the NOI since the Chapter 91 permit does not require it. The Commission was fine with the request. Mr. Donovan suggested, in lieu of the registered land survey, pictures of the stairs be provided to the Commission once they are installed.

Motion made by Mr. Donovan to close the public hearing, seconded by Mr. Dufromont. All in favor. **Motion passed.**

Motion made by Mr. Donovan to issue a positive Order of Conditions, with the condition that the Applicant provide photographic documentation in lieu of a survey. Motion seconded by Mr. Baker. All in favor. **Motion passed.**

### Informal Discussion

- Mosquito control ditch maintenance

Michael Bryant, East Middlesex Mosquito Control, stated that they vacuumed out 20 feet of sand on August 8, 2018 in the ditch near the Naked Fish on Totten Pond Road. There is still a large amount of sand that needs to be removed. Mr. Baker is concerned that the debris will be removed and placed on the banks. Mr. Bryant replied that the debris will be hauled away. The goal is to get the water flowing so that there isn't a mosquito breeding ground. They are exempt from filing a Notice of Intent. The second area they are clearing out is Ivy Lane and Woodcliff Drive. Mr. Baker asked if they could remove the sediment and not put it on the bank. Mr. Bryant stated it's a very small area and they will spread it 4-6 inches in the brushy area. They notified the abutters and they have signed off on the project.

### Commission Business

- Approval of meeting minutes from 9-6-2018: Minutes were not voted on.
- **Bentley University Emergency Certification:** Mr. Dufromont noted that DEP did a site inspection and all that was required to complete the certification was to look at plans, see the construction, and remove the erosion controls.
- **20 Cooper Street:** Mr. Dufromont stated that a site visit has been requested by the consultants to look at the trees to be taken down and mark them. The site visit has been set up for Tuesday, Sept. 25<sup>th</sup> at 10:00 a.m.

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

Meeting adjourned at 10:18 p.m.