



**Waltham Conservation Commission
September 12, 2019
Meeting Minutes**

Meeting called to order at 7:03 p.m.

Attendees: Chair Philip Moser, Mike Donovan, Courtney Semlow, Brad Baker, Vice Chair Bill Doyle

Absent: Gerard Dufromont

Since Mr. Moser needs to recuse himself from the first item on the agenda, a motion to take the agenda out of order until we have a quorum was made by Mr. Donovan, seconded by Mr. Baker. All in favor. **Motion passed.**

Public Hearing (Continued from 8-15-2019)

Notice of Intent (DEP File # 316-0757)

Applicant: City of Waltham – Engineering Department

Property Location: Roadway Layout near 380 Lexington Street

Project Description: Intersection improvement project at Totten Pond Road at Lexington Street.

Michael Garvin, the City's Traffic Engineer, represented the Applicant to discuss the intersection at Totten Pond Road and Lexington Street. A site walk took place on Wednesday, August 28 with the project staff and several Commission members. Stephen Cazassa and Mr. Garvin also met with an abutter on Friday, August 30 and have since revised the plan with the feedback from both of those meetings. Mr. Casazza discussed the storm water plan, as well as restoring the existing land. Pre-treatment of the storm water is necessary for this project. The existing house at 380 Lexington Street is to be demolished and then the plan is to shift the road over to make the intersection safer. The landscaping plan was reviewed. Planting trees will create a buffer for noise and lights and improve vegetation. The landscaping plan will also make a nice presentation for people driving through this major intersection.

The proposed filtration system will entail an above ground forebay. Mr. Cazassa responded to all the Commission's concerns raised at last meeting.

Mr. Doyle arrived to meeting at 7:14 pm.

Discussion ensued about the landscaping plan and the types of trees the Commission would like to see on the plan. A special condition will be added to the Order of Conditions for the types of plantings.

Mr. Moser opened the meeting to the public.

Mr. Finger is representing the Stillers, the abutters the City has been working with. He would like to review a copy of the landscaping plan before the plan is finalized.

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

Motion made by Mr. Doyle to issue a positive Order of Conditions the following two special conditions:

1. Update the landscaping plan with a selection of native species of trees and shrubs for review.
2. Replace the mulched areas with a seeded wildflower mix.

Motion seconded by Mr. Baker. All in favor. **Motion passed.**

Motion to un-table the first agenda item made by Mr. Doyle, seconded by Mr. Donovan all in favor. **Motion passed.**

Public Meeting (Continued from 8-15-2019)
Request for Determination of Applicability
Applicant: Kristin A. Genova
Property Location: 58 Hiawatha Avenue
Project Description: Addition of garage

Mr. Moser recused himself due to a conflict of interest. Mr. Doyle took over as chair of the meeting. Arlene Genova represented the Applicant. In the July meeting, the Applicant approached the board to seek a Request for Determination of Applicability to build a single car garage attached to her house. More information needed to be provided by the Applicant in order to make a determination. Hancock Associates surveyed the land for storm water management and the Applicant submitted all the necessary information to the Commission.

Motion made to issue a negative Determination of Applicability made by Mr. Baker, seconded by Mr. Donovan. All in favor. **Motion passed.**

Public Hearing (Continued from 8-15-2019)
Notice of Intent (DEP File # 316-0756)
Applicant: City of Waltham Engineering Department
Property Location: 617-655 Lexington Street
Project Description: Installation of a flow control structure under Jack's Way.

Mr. Moser returned as chair of the meeting.

Steve Casazza, the City Engineer, represented the Applicant. At the August 15th meeting, the Commission asked the Applicant to approach the School Committee to seek permission to install a V-Notch weir on Jack's way to prevent flooding in a major storm.

Mr. Casazza addressed the concerns raised at the last meeting, in addition to adding an acre of flood storage to the site.

The Commission expressed their concerns about the updated plans.

Mr. Doyle would like the architect to explain how this is not filling the wetlands and turning the wetlands into a retention basin.

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

Public Hearing (Continued from 8-15-2019)
Notice of Intent (DEP File # 316-0761)
Applicant: 404 Wyman LLC
Property Location: 404 Wyman Street
Project Description: Installation of a new sewer line.

Mr. Jim White represented the Applicant. A site visit took place on August 30. The Applicant is proposing to put a pump station on the 404 Wyman Street property to eliminate the sewer line that is underneath Route 128. This will entail removing 2-3 trees, but will replace with additional trees that have a small root structure.

There were no comments from the public.

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

Motion made to issue a positive Order of Conditions with one Special Condition by Mr. Doyle, seconded by Mr. Baker. All in favor. **Motion passed.**

Public Hearing (Continued from 8-15-2019)
Notice of Intent (DEP File # 316-0758)
Applicant: North Shore Residential Development, Inc.
Property Location: 52 Clark Lane
Project Description: Demolish existing single family home and build a new single family home.

Mr. Paul Finger represented the Applicant. A site visit took place on August 28. Mr. Finger described the changes made to the project as a result of the site visit.

The meeting was opened to the public. Neighbors expressed their concerns.

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

Motion to issue a positive Order of Conditions with four (4) Special Conditions made by Mr. Doyle, seconded by Mr. Baker. All in favor. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: Robert Forney

Property Location: 84 Hardy Pond Road

Project Description: Remove existing rear deck and stairs and replace with a new deck and stairs.

Mr. Forney approached the Commission for permission to remove a three season porch and stairs and replace with a new deck and stairs. There will be no impact to Hardy Pond and proper controls will be installed along the water front.

Motion to issue a negative Determination of Applicability made by Mr. Doyle, seconded by Mr. Donovan. All in favor. **Motion passed.**

Public Meeting

Notice of Intent (DEP File # 316-0760)

Applicant: Raffaele Bibbo, III

Property Location: 243 BEF Hardy Pond Road

Project Description: Construct a single-family home on a vacant lot.

Mr. Robert Bibbo of Bibbo Brothers represented the Applicant to ask for the ability to build a single family house on a vacant lot.

The owner of the property and an abutter spoke about how they are in favor of the house being built.

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

The Commission is familiar with this location and said there is no need for a site visit.

Motion to issue a positive Order of Conditions with the standard conditions made by Mr. Doyle, seconded by Mr. Donovan. All in favor. **Motion passed.**

Mr. Doyle exited the meeting at 9:33 pm.

Public Meeting

Request for Certificate of Compliance (DEP File # 316-0741)

Applicant: Frank Valentino

Property Location: 80 Clark Lane

Mr. Robert Bibbo of Bibbo Brothers represented the Applicant to seek a Certificate of Compliance for a completed project that added an addition of a family room.

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

Commission Business

- **Approval of meeting minutes from 8-15-2019 and 3-14-2019:** Motion made by Mr. Donovan to approve the meeting minutes from 8-15-2019 and 3-14-2019, seconded by Ms. Semlow. All in favor. **Motion passed.**

- **Adoption of written rules relative to the hiring of consultants:** Discussion ensued about the need for these rules. Motion made by Mr. Donovan to accept these rules as basis of our procedures for hiring a consultant, seconded by Mr. Baker. All in favor. **Motion passed.**
- **Question from a concerned resident:** No updates.
- **Potential uses for filing fees in administering the Wetlands Protection Act:** Mr. Moser explained about aerial footage showing encroachment at Paine Estate by abutters. Mr. Moser would like to use funds available in the budget to address the encroachment. The Commission will ask Bibbo Brothers to survey the land. This is a two-step process. First, the Commission will send a letter to alert residents that surveyors will be out surveying the land. Next, the Commission will notify residents of the encroachment. Motion to approve the proposal from Bibbo Brothers by Mr. Baker, seconded by Mr. Donovan. All in favor. **Motion passed.**
- **Press release ideas:** No updates.
- **Open enforcement orders:** No updates.

Correspondence

- **205 Winter Street:** A 40B affordable housing project has been proposed at 205 Winter Street. Mr. Moser sent comments to the ZBA in reference to the intermittent stream located across the street. Phil will attend the next ZBA to discuss his comments further.
- **Appeal of 554 Lexington Street:** A site visit is scheduled on Tuesday, September 17 at 10:30. Mr. Moser will represent the Commission.
- **Erosion Control Conference:** Mr. Baker would like to attend an erosion control conference on Oct. 1

Old Business

Mr. Moser

- No updates.

Mr. Doyle

- No updates.

Mr. Baker

- No updates.

Mr. Dufromont

- No updates.

Mr. Donovan

- No updates.

Ms. Semlow

- No updates.

Committee Reports

- **CPC:** Mr. Doyle attended the last meeting. Will report out at the next meeting.
- **Trust Fund:** Potential purchases of land, easements, or conservation restrictions using trust funds

Site visit reports

- **105 Galen Street:** Mr. Baker visited this location and observed most of the vegetation is invasives. The property owner and biologist responsible for the wetlands restoration tagged 40 Maple Trees to be taken down, which will result in 80% of the canopy will be gone. 80% of the shrubs will be gone. 80% of ground cover (English Ivy and Bittersweet) will be gone. Planting will add biodiversity to this location by adding a selection of native species of trees and shrubs. Restoration will take 3-5 years. This site can serve as a test case for future restoration projects.
- **Brandeis parking lot:** In the Special Conditions issued with the Order of Conditions, the applicant was not supposed to remove the teal ribbon tagged trees, but they removed them all. They were not supposed to do anything on the riverbank past the mature Elm Tree, but they did and removed the mature Elm Trees. They did not put in the flat stones in the bottom of things. The Applicant wants to know what the Commission will ask for

since they took out 14 trees that they were not supposed to. What are the replication that we ask for? The options that Commission has is to write a letter informing the Applicant of a potential violation and have the Applicant attend a future meeting to discuss, or the Commission could issue an enforcement order. Lastly, we could deny issuing a Certificate of Compliance until the issues have been resolved. Mr. Baker will draft a letter informing the Applicant of a potential violation that will be co-signed by Ms. Semlow or Mr. Donovan.

- **Mt. Feake Cemetery:** Mr. Baker would like to send a letter to the Mt. Feake Cemetery Committee to do an invasive control training in late October to remove Bittersweet. Mr. Baker will lead the project.

New Business

- **Problems with dirt bikes at Paine Estate and Metfern Cemetery:** Discussion ensued about how to address these issues. Dirt bikes are not allowed at these locations. Should the Commission post signs to stop dirt bikes from being driven through these areas? Should police should be enforcing this? Will it be addressed in the forestry plan?

Motion made by Mr. Donovan to adjourn the meeting, seconded by Mr. Baker. All in favor. **Motion passed.**

Meeting adjourned at 10:23 p.m.