



**Waltham Conservation Commission
February 1, 2024
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 7:04 PM.

Attendees: Chair Philip Moser, Vice Chair Bill Doyle, Gerard Dufromont, Michael Donovan, Louis Andrews, Alexander Sbordone. Conservation Agent Meghan Sullivan.

Absent:

Public Hearing

Notice of Intent (DEP File #316-0824)(continued from 1-18-2024)

Applicant: Marc Alencar

Property Location: 72 Kingston Road

Project Description: Demolition and redevelopment of a single-family home.

Marc Alencar of MP Design Consultants presented. Zoe Chang and Brigitte Steines also present. Mr. Alencar showed the revised plans and walked through the changes. The plan addresses most of the commission's concerns by moving the structure away from the wetland area. The foundation shape has been changed and the overall structure will be smaller (by approx. 400 sq.ft.). To allow access to the site, one Dogwood will need to be removed. He noted that the impervious area has been reduced but the original, larger planned stormwater system will be retained. Ms. Sullivan received confirmation on the limit of work shown on the plans. Discussion. Commission focused on details of changes made since previous appearance and site visit. Mr. Donovan confirmed that the "deck" has a foundation beneath it and is effectively a roof deck. He highlighted the previous fill around an Oak tree. Ms. Steines, the architect, added that this Oak is precious to the owner, so all efforts will be made to preserve it. She could not respond to some internal construction detail questions, as those plans have not been finalized. The commission appreciated the changes. Mr. Moser commented that the applicant's imposition of a 25' buffer is a good result and a fair compromise. Discussion and clarification of site-specific conditions, to include a note about the deck foundation and the erosion controls noting the limit of work. Mr. Moser highlighted the invasive species conditions in the standard special conditions. Motion to close the public hearing by Mr. Doyle, seconded by Mr. Donovan.

Motion passed. Motion from Mr. Doyle to issue an order of conditions with the special conditions as discussed. Seconded by Mr. Donovan. Discussion. Roll call vote. Aye: Moser, Doyle, Donovan, Andrews, Sbordone, Dufromont. Nay: none. **Motion passed.**

Public Meeting

Violation

Property Location: 265 Totten Pond Road

Approved 02-15-2024

Description: Alteration of intermittent stream bank and associated buffer zone.

Ms. Sullivan noted the previous site visit (November) and the positive interactions with the owner at that time, but that they have been unresponsive since. She recommended moving this to formal enforcement. Mr. Donovan, who was at the site visit, agreed. He recommended contacting the building department about the deck, which did not have a permit, might be unsafe, and was built in the floodplain. Ms. Sullivan agreed and noted that the building department has previously been notified. Mr. Dufromont also noted a shed that would need to be removed. Mr. Doyle moved to issue an enforcement order, to include specific language that the building department would be notified. Seconded by Mr. Andrews. Aye: Moser, Doyle, Donovan, Andrews, Sbordone, Dufromont. Nay: none.
Motion passed.

Commission Business

- Approval of meeting minutes from 01-18-2024. Motion to approve by Mr. Sbordone, seconded by Mr. Dufromont. Mr. Donovan abstained. All others present in favor. **Motion passed.**
- Per Waltham General Ordinances (Article XVIII Sec. 2-273) the commission is expected to choose a Chair for the upcoming year before the first Monday in March. This was a procedural reminder. The commission will vote at the next meeting (2/15). Discussion. Mr. Moser announced that he plans to step down as chair but if necessary will serve 6 more months. Mr. Dufromont noted that he will miss the next meeting.
- Commission must vote to accept M.G.L. Ch. 39, s.23D (the Mullin Rule) in order to make it operative. Ms. Sullivan explained this. The commission has been de facto following this rule but has not officially adopted. Mr. Dufromont moved that the commission officially adopt this rule. Mr. Donovan seconded. Aye: Moser, Doyle, Donovan, Andrews, Sbordone. Nay: None. **Motion passed.**
- Set a date for the annual Conservation Trust Fund public meeting (on or after the first Monday of March). The “after” language of the charter allows leeway, so the commission typically holds this annual meeting in April or May; the restricting factor is that this meeting requires advertised public notice, so needs to be on the calendar ahead of time. Discussion. The commission will defer scheduling this meeting until the Trustees have business to discuss, which is expected after the city council takes action on the recent request to release funds for invasive species management at the Paine Estate. Mr. Moser asked Mr. Daly to check on the status of the release of the funds with the clerk’s office.

Old Business

- The purchase order authorizing work by Parterre at Seminole/Mokema has been approved. Ms. Sullivan added that in related work for the same site, the seed order for the native species replanting planned for later this spring has arrived.

Site Visit Reports

- 500 Totten Pond Road Violation. Mr. Moser noted that he will recuse if discussion and votes are required on this item. Ms. Sullivan reported on the recent site visit. The property owner acknowledged the violation, including dredging the stream. This was done to forestall drain clogging and flooding. Work was done by a third-party contractor. She will continue to work with the site both to revegetate and to create a better maintenance plan to avoid future problems. Discussion of whether this site might have a previous OOC requiring the commission to approve their O&M plan. This needs research, but they have a storm water plan. Mr. Donovan provided some historical information on the site; the structures are relatively new. Mr. Doyle believes they have COC’s on them and conditions should be in the files.

Committee Reports

- **CPC:** Next meeting scheduled for February 13, 2024. Mr. Doyle believes there are two new filings.

The commission announced that it would enter executive session to discuss a personnel matter. The commission adjourned at the close of the executive session and did not return to a public meeting. The meeting recording was stopped at 7:54 PM.

The executive session has been documented separately.

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

Meeting adjourned at 8:35 PM.