



**Waltham Conservation Commission
November 16, 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 7:02 PM.

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

Absent:

Development Prospectus Sign Off

- 1432 Main Street. Michael Connors appeared for the property owner. Mark Arnold of Goddard Consulting also present. The parcel has an open enforcement order on it issued in 2021, which required restoration, monitoring, and reporting through September 2023. Mr. Connors briefly summarized the site status. He noted the negative determination received earlier this year for the project covered by this prospectus. ConCom sign-off is needed for a special permit through city council. Mr. Arnold provided additional details related to the enforcement order and the recently issued NDA. Discussion. Confirmation that the NDA has previously confirmed that the development prospectus is outside jurisdiction. Motion by Mr. Doyle to authorize sign-off, seconded by Mr. Donovan. **Motion passed.**

Motion by Mr. Donovan to take an item of commission business out of order. Mr. Doyle seconded. All present in favor. **Motion passed.**

[Item out of order: Commission business]

1432 Main Street – enforcement order close-out

Mr. Arnold presented the most recent monitoring report on the site. Restoration has been underway since fall 2021 after trees and brush were cleared without permits earlier that year. Review and discussion. The commission is familiar with the site and members have visited repeatedly and recently. Mr. Arnold noted that much of the site re-grew naturally, because the clearing had been at the surface and did not disturb the soil. Additional native plantings were also made. On the point of invasive control, the lack of soil disturbance prevented much incursion and he has recently hand-managed. The commission is happy with the results.

Motion to close the enforcement order by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.** The chair thanked Mr. Arnold and the property owner for their work and attitude. The process was not contentious and the results have been positive for everyone.

Motion to resume the agenda by Mr. Doyle, seconded by Mr. Baker. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0823)(continued from 11-2-2023)

Applicant: Boston Properties

Property Location: Along Main Street (Route 117), Green Street, the Route 20 rotary, and the Route 128/Interstate 95 (I-95) Interchange.

Project Description: Proposed roadway improvements as part of the full build-out of the 1265 Main Street project. Improvements will address existing traffic operations and safety issues and accommodate future traffic associated with general population growth and nearby development, including the 1265 Main Street development.

Mr. Moser recused. Mr. Doyle assumed the chair. Joshua Trearchis and Taylor Donovan of VHB present for the applicant. Mr. Trearchis noted modifications to the plan from previous versions. Focus on the areas around Hillside Road and the west side of the Route 20 rotary. Seed mix and plantings noted. Adjustments/corrections to square footage amounts in the NOI noted. The city engineering department has not provided a final response yet. The applicant will continue to get these comments and resolve other open issues. Discussion of state of special conditions. Mr. Baker offered general comments on sustainability and more specific comments on trees, but is pleased with the current plan. Mr. Trearchis noted that some additional plantings have been added and others are being considered. Mr. Doyle asked Mr. Trearchis to highlight the jurisdictional areas involved, for the benefit of the public, which he did. The applicant confirmed that Weston has been contacted regarding this filing; the project abuts Weston, but does not affect jurisdictional areas. Public comment was solicited. City resident Bob Coleman had a question about the participation in the notice of intent process and issued conditions by all property-owning entities involved and city involvement. Mr. Trearchis clarified that MassDOT participates through their access permit process, and the permit will be filed with this application, when finalized and issued. City council will be involved and has been contacted, and the city engineer's office is involved. Mr. Coleman asked about the timetable; Mr. Trearchis stated they hope to finalize plans by the end of 2023, which would mean work could begin at the earliest by late spring 2024. Mr. Coleman asked about funding; Mr. Trearchis stated the developer will be funding this. Mr. Doyle noted that the applicant and commission are still waiting to hear any storm water concerns from the city engineer. Motion to continue by Mr. Sbordone, seconded by Mr. Baker. All present in favor, **motion passed**.

Mr. Moser returned as chair.

Public Meeting

Enforcement Order

Applicant: Kassem Trad

Property Location: 1036 Lexington Street

Description: Destruction of vegetation and addition of crushed stone, pavement and wooden formwork along Chester Brook Stream.

Ms. Sullivan presented site photos and described past and present conditions. Non-permitted changes are clear in aerial photos. Mr. Moser provided background on previous violations at this site and discussions over the past couple of years. The site abuts Chester Brook and almost the entire property is in jurisdiction. Mr. Trad was present with a companion to assist in translating [name not intelligible on recording]. They mentioned overgrowth and rat issues. The applicant asked for instruction on how to return to compliance. Mr. Moser explained the area that needs to be restored and why and noted the approximate bounds on an aerial photo. He strongly recommended that the applicant hire a wetland scientist, possibly also an engineer or surveyor, to prepare a professional plan. Discussion. Mr. Dufromont recommended that a deadline be imposed for both the plan and the

restoration. Ms. Sullivan clarified that a recent enforcement order issued to the applicant included a January 18, 2024, date for response with a plan. An extension could be allowed if necessary. January 18 is a meeting date, and the commission will expect an update at that time.

Public Meeting

Request for Determination of Applicability

Applicant: Melissa and George Fox

Property Location: 77 Copeland Street

Project Description: Removal of tree and stump and two previously cut stumps. Remove/replace shrubs. Trim branches overhanging house and driveway. Replace front stairs, grade side yard to prevent flooding, patch driveway.

George Fox was present, also Sheila LeBlanc. Brief summary. He noted one change, that the front stairs would be repaired and not replaced. Ms. Sullivan reported that this RDA has been filed after non-permitted work was reported, to bring work into compliance without an enforcement order. She stated that any grading would upgrade this to a notice of intent. General discussion of WPA requirements with applicant. Mr. Moser suggested a proper replanting plan be created and given to Ms. Sullivan for review. Mr. Dufromont noted the extensive cutting and removals and was critical of the quality of work done by the arborist.

The chair recognized Patricia McGinnis, who asked to speak. Ms. McGinnis is a next-door neighbor. She raised issues of property lines and damage done to a tree on her property and other points. She noted that much of this work was done by the current applicant before he actually owned the property, which he has recently purchased. She noted that the damage will require that she file at least an RDA simply to remove it. Additional discussion of status and options. Acknowledgement of issues outside commission jurisdiction.

Mr. Doyle noted the issue before the commission, which is to issue a positive or negative determination. Commissioners noted that as submitted, with grading, this filing would receive a positive determination and move to a notice of intent. Discussion. The commission offered the applicant an opportunity to revise the submission to reduce the work and remove items which would trigger a notice of intent. The applicant agreed to continue to consider alterations.

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

Public Meeting

Request for Determination of Applicability

Applicant: Gabriela Kotliar

Property Location: 151 Newton Street

Project Description: Replace 1,350 square feet of degraded pavement and add a catch basin with drainage pit to control runoff of the existing right of way. Approximately 1,117 square feet lies within the floodplain.

Bob Bibbo present for the applicant. Mr. Bibbo gave a summary description of the site and the planned work. He noted that they would like to move quickly, as the asphalt plants will soon shut down for the winter. Ms. Sullivan noted this was a violation that was brought to the commission's attention for not filing and for not having erosion controls in place, but the work is limited to replacement and reconstruction in existing degraded area. Mr. Moser noted that the applicant will need confirmation from the city engineer regarding storm water concerns and will need to re-appear if changes are required by the engineer. Discussion. Motion to issue a negative determination by Mr. Doyle, seconded by Mr. Dufromont. All present in favor, **motion passed.**

Commission Business

- Approval of meeting minutes from 11-2-2023. Motion to approve by Mr. Donovan, seconded by Mr. Sbordone. **Motion passed.**

Correspondence

- INFORMATIONAL: Historic New England has reported on 2023 activity at the Lyman Estate and planned activity for 2024 (DEP #316-0734). Mr. Moser noted that he and Mr. Baker have been previously involved and found their invasive management disappointing. He and Ms. Sullivan have a site visit scheduled for 11/20 and will report at the next meeting.
- INFORMATIONAL: The Engineering Department expects their contractor to begin work on the Lyman Pond upper weir on 11/20 (DEP #316-0821). Adjacent to Lyman Estate.
- INFORMATIONAL: DCR scheduled an additional day of invasive treatment (glossy buckthorn) in Beaver Brook Reservation, 11/10/2023.

Old Business

- Invasive management training, 11/6. Mr. Baker reported that this was a successful session. A written report will be available shortly.
- Electronic signatures (M.G.L. c. 110G) follow-up. Mr. Sbordone has reviewed the MA laws on this and does not see any problems. The commission would have to work out some details with the city clerk. Mr. Sbordone and Ms. Sullivan confirmed that the commission has all the templates needed to modify documents. Mr. Moser read the suggested language for adoption, as previously provided to the commission. Mr. Sbordone moved to recognize and adopt the procedures of M.G.L. c. 110G and that henceforth both written (“wet”) signatures and electronic signatures will carry the same legal weight and effect for the commission. Seconded by Mr. Donovan. Discussion. Clarification that this motion, if approved, will serve as authorization, although as a practical matter electronic signatures might not be implemented for some time. All present in favor. **Motion passed.**

Site Visit Reports

- 473/475 Lexington Street. Ms. Sullivan and Mr. Moser visited. Removal of some invasive trees was deemed unsafe, so substitutes nearby will be removed to meet net goal.
- 265 Totten Pond Road. Ms. Sullivan, Mr. Dufromont, and Mr. Donovan visited. Some of the violations have been addressed, but new violating work has been done. They have been asked to hire a professional wetland scientist to develop a restoration plan. Mr. Dufromont asked if there had been follow up from the Building Department, which has also been involved and visited. The office has not yet received.
- Paine Estate boundary walk, 11/11/23. Ms. Sullivan noted a successful walk, with known and new encroachments recorded. Mr. Moser added that some action remains outstanding with the legal department, but the commission is not prevented from working out informal, amicable solutions with encroaching abutters.

Committee Reports

- **CPC:** Next meeting scheduled for November 21, 2023. Mr. Doyle notes no new applications, but administrative items to be discussed.

New Business

- Mr. Moser and Mr. Baker have been overseeing the city’s restoration/mitigation at Mokema Woods (flood storage compensation for unpermitted fill at Graverson Playground). Mr. Baker has identified an opportunity to purchase c.15 native trees to replant in this area. If the commission can cover the expense of the trees and supplies (deer fencing, etc.), Mr. Baker can

provide volunteer labor for planting. Mr. Moser recommended the commission authorize \$360 from the filing fees account. Mr. Baker added that this is the best time of year to do this kind of planting. He recommends the commission make this type of effort every year, and believes that the city is 50-100 years behind on tree replanting. Mr. Baker moved to authorize this expenditure. Seconded by Mr. Doyle. Mr. Dufromont asked if delivery is included; Mr. Baker will pick them up. Mr. Doyle asked about the size and maturity; Mr. Baker specified that they are mostly 4'-6' tall, established saplings. All present in favor. **Motion passed.**

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

Meeting adjourned at 9:07 PM.