



**Waltham Conservation Commission
December 7, 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 7:01 PM.

Attendees: Vice Chair Bill Doyle, Gerard Dufromont, Michael Donovan, Louis Andrews, Alexander Sbordone.

Absent: Philip Moser [Mr. Moser joined the meeting at 7:34 PM]

Mr. Doyle acted as chair.

Public Meeting

Request for Determination of Applicability (continued from 11-16-2023)

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.

Applicant has requested a continuance to the 3/7/2024 meeting.

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

Public Hearing

Notice of Intent (DEP File # 316-0823)(continued from 11-16-2023)

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.

Present for applicant: Keir Evans (Boston Properties), Joshua Trearchis, Taylor Donovan (both VHB). Mr. Trearchis noted that they have reviewed the storm water issues with Bob Winn, the city engineer. Mr. Winn wanted some drainage shifted from one area to another. Coverage of details related to this change, flow calculations, and the catch basin and infiltration basin at the corner of Main Street and Border Road. Discharge changes wanted by Mr. Winn have been achieved. Mr. Winn has reviewed and approved. Ms. Sullivan discussed the status of the site-specific conditions. Cambridge Water also added a small number of conditions. All are straightforward and the commission and applicant are in

agreement with modifications, but she has not had time to confirm and do a final review. Michele Grzenda has submitted questions, including a request for clarification on recognition of ownership in the filing. Mr. Evans clarified that this is being resolved and the final ownership after takings will be as listed (Boston Properties, City of Waltham, MassDOT). Final city approval and responsibility discussed. Mr. Doyle recommended that conditions include an inspection and, if necessary, thorough cleaning of the infiltration basin. Procedural discussion regarding administrative issues. Mr. Evans clarified further regarding property issues that MassDOT will not issue a permit until all issues have been resolved, so the project cannot proceed until that has been settled, regardless of whether ConCom issues a permit. Bob Coleman, city resident, spoke. He asked for clarifications on public availability of revised plans, property ownership, source of funding, and timeline. Mr. Evans responded. Ms. Donovan asked if the commission might approve conditions tonight. Discussion. Motion to close the public hearing by Mr. Donovan, seconded by Mr. Sbordone. All present in favor, **motion passed**. The commission will wait on final resolution of the site-specific conditions and plan to vote on this application at the next meeting. Motion to continue by Mr. Sbordone, seconded by Mr. Dufromont. All present in favor. **Motion passed**.

Public Meeting

Request for Extension (DEP File # 316-0812)

Applicant: Nick Skoly

Property Location: 1265 Main Street

Description: Condition 26.A for this project requires a hydrologic study of the storm water basins at the Route 20 / I-95 intersection, coordinated with MassDOT and CWD, to be delivered 9 months after issue (due 12/28/23). Extension was allowed but must be requested of the commission.

Mr. Evans present for the applicant. Ms. Sullivan explained and approves; CWD has confirmed approval. This matter is procedural to ensure that this original condition is met. Motion to extend deadline to 2/28/2024 by Mr. Sbordone. Seconded by Mr. Dufromont, all present in favor. **Motion passed**.

Mr. Moser joined the meeting at this time.

Public Hearing

Request for Extension to Order of Conditions (DEP File # 316-0777)

Applicant: DCR (Department of Conservation and Recreation)

Property Location: Beaver Brook

Project Description: Management of targeted invasive species at Beaver Brook. Current order of conditions will expire 2/11/2024.

Megan Shave, Senior Ecologist with DCR, present. She is the new project manager, replacing Ale Echandi. Ms. Shave summarized the current project status, including the work in different areas and the species targeted. Discussion. Mr. Moser commented on the project and invasive management work in Waltham in general, and thanked the DCR for its ongoing efforts. The commission as a whole strongly supports these efforts and would like to see them continue.

Motion to issue a 3-year extension by Mr. Sbordone, seconded by Mr. Moser. All present in favor, **motion passed**.

Mr. Moser took over as chair.

Public Hearing

Request for Extension to Order of Conditions (DEP File # 316-0683)

Applicant: Glenn Burdett

Property Location: 118 Hardy Pond Road

Project Description: Raze existing single-family home. Construct new single-family home.

OOC issued in 2014, extended 2017 and 2019. Extended automatically by COVID emergency tolling to 2/17/2024. Requesting standard 3-year extension.

Ms. Sullivan noted that the applicant was unable to attend. As this is a simple extension request with no changes, she recommended the extension be approved. She was unsure if any work has been done. Mr. Daly added that he has spoken with the applicant, who explained that due to health issues he had been unable to begin work before now. Ms. Sullivan noted that the regulations allow the commission to approve if they view this as “unavoidable delay.” Mr. Moser highlighted that the order will have been in place for 10 years as of next year. The commission has a general policy of requiring a new NOI for projects still ongoing for 10 years or more. Discussion. The commission agreed that this should apply, with a short (1-year) final extension allowed. The applicant will be informed that re-filing will be expected after this extension. Mr. Doyle moved to issue a 1-year extension, with the applicant to be informed that a new NOI will be expected beyond that time. Mr. Sbordone seconded; all present in favor. **Motion passed.**

Commission Business

- Approval of meeting minutes from 11-16-2023. Motion to approve by Mr. Donovan, seconded by Mr. Andrews. All present in favor, **motion passed.**

Correspondence

- Amended Fuel Storage License- 225 Wyman Street. Noted.
- MACC FY 2025 dues increase. Noted.

Old Business

- Mokema Woods tree plantings. Mr. Moser and Ms. Sullivan updated.

Site Visit Reports

- Lyman Estate (316-0734). Ms. Sullivan and Mr. Moser reported on status and upcoming plans. The applicant will provide a formal plan, which they have not previously. Mr. Moser noted that their previous strategy of mowing is ineffective, as it does not correctly address the invasives.
- Paine Estate—Parterre Services. Invasive management of Wisteria, Ailanthus, and other woody invasives. Mr. Moser updated. Ms. Sullivan summarized the proposals received, and has made them available in Dropbox for the commissioners to review and vote on at the next meeting. She is comfortable with the proposals. Mr. Moser gave background on the invasive species and areas of concern on the property and work previously performed. It was noted that this has to be handled as a separate meeting, as the funding is from the Conservation Trust Fund. Discussion. This is the same contractor who did the work at Mokema/Seminole, and the commission has been happy with that effort, which exceeded expectations.

Committee Reports

- **CPC:** Next meeting scheduled for February 21, 2024.

New Business

- Mr. Moser noted a possible WPA violation at the Fernald property, reported by a resident. This is near the Waverley Oaks Road entrance. It was reported to possibly be related to CPW

relocating. No filings have been received and no permits have been issued for work in this area except for some pipe relining. It's not known if this is related. It might be as close as 3 feet to wetlands. He has sent a message to CPW but not received information back. Ms. Sullivan will work to organize a site visit with CPW.

- Mr. Moser reported a potential violation at 450-500 Totten Pond Road. He presented photos. Several commissioners are familiar with the property. The stream has been disturbed and possibly dredged and bank vegetation cut and cleared, including at least 3 trees. It is not clear if this is technically within previously permitted work, or if it was an overzealous interpretation of the O&M plan, or in violation. Ms. Sullivan will follow up.
- Mr. Dufromont referenced the correspondence from Patricia McGinnis regarding the RDA filed by a neighbor for 77 Copeland Street. [This item was continued earlier in the meeting.] Mr. Doyle noted that details should not be discussed, as the item was addressed and the commission voted to continue and the applicant is not present. Ms. Sullivan concurred and noted she has not yet had time to review this letter. She had contact with the applicant and confirmed that the commission would continue as requested with no other action. It was noted that the commission is aware of this letter and that there are concerns but they have not had time to review it and it is not appropriate to discuss at this time. Ms. McGinnis was present and Mr. Moser allowed her an opportunity to speak, but reiterated that they would not be deliberating without the applicant present. Ms. McGinnis stated that the applicant has also received this letter. She expressed the opinion that a brief (2-week) continuance was reasonable but that continuing to March leaves things unresolved too long. Mr. Moser stated that the time is reasonable to develop a proper restoration plan and that replanting cannot be done at this time of year. He encouraged Ms. McGinnis to work directly with the neighbors on the property line issue and other issues not under the commission's jurisdiction, and not wait for the commission's resolution.

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

Meeting adjourned at 8:09 PM.