



## **Waltham Conservation Commission**

**April 4, 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 approximately 7:00 PM.

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

**Absent:**

#### **Public Hearing**

**Notice of Intent** (DEP File # 316-0826) (Continued from 3-21-24.)

**Applicant:** Chapel Hill-Chauncy Hall School

**Property Location:** 399 Lexington Street

**Project Description:** Redevelopment of existing academic building with site.

Applicant has requested a continuance to the 5-2-2024 meeting to complete requested changes to the application. Motion to continue by Mr. Donovan, seconded by Mr. Dufromont. **Motion passed.**

#### **Public Meeting**

##### **Request for Determination of Applicability**

**Applicant:** C. Kim Jaworski-Bruschi (UMass)

**Property Location:** 225 Beaver Street

**Project Description:** Abatement and demolition of disused structures and removal of existing debris from site. Includes one structure within the Riverfront Area.

Daron Kurkjian and Megan Kearns of Weston & Sampson present for applicant. Mr. Kurkjian described the site conditions and the proposed work. Ms. Kearns presented the specifics of the work within the Riverfront Area. Mr. Dufromont asked if the applicant will be doing anything with the land after this cleanup. Mr. Kurkjian responded that at this time there are no plans for development, this is for cleanup and restoration. Mr. Dufromont noted the old ash experiment known to have been on the property. Mr. Kurkjian noted that area. It is not on this plan and is subject to separate existing DEP oversight. Mr. Moser expressed support for this project and added that, while not within this project's scope, he encourages the applicant to clean up the old ash experiment. Mr. Donovan asked for clarification on how the below grade foundation was going to be dealt with. Mr. Kurkjian said they will be removing all the contaminated material (asbestos and other substances) and there is enough other material on site to fill the foundation. The contaminated material will be sent to a proper disposal site. Erosion controls will be in place until the project has been completed. Mr. Doyle asked if the driveway is paved. Mr. Kurkjian believes it is all gravel but was not certain. Mr. Doyle stated that if any

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asphalt is torn up that it be properly disposed of. He asked if the soil around these buildings could be tested, specifically for lead, asbestos, bituminous material, and chlordane insecticides. He hoped that the site would be replanted properly. Mr. Kurkjian noted some additional repair work on site and added that the abatement would include testing to make sure the material is removed. Mr. Doyle clarified that he is concerned with past and current dispersal and leakage into the wetlands. Discussion and clarification. It was confirmed that an LSP will be involved with the project. Mr. Doyle believes LSP supervision will be satisfactory and will not require additional testing. Mr. Moser moved to issue a negative determination, with the condition that an LSP be on site to oversee the work. Mr. Doyle seconded. In favor: Sbordone, Doyle, Moser, Donovan, Andrews, Champion, Dufromont.  
**Motion passed.**

## **Public Meeting**

**Minor Modification** (DEP File #316-0801)

**Applicant:** Alexandria Real Estate

**Property Location:** 40-60 Sylvan Road

**Property Description:** Minor Modification to building repositioning work at 40 Sylvan Road.

Conor Nagle of VHB present for applicant. He referenced the previous order of conditions from 2022. The permitted work in buffer is nearly complete except for final paving. The owner would like to make minor modifications to the approved work adjacent to the #40 building, primarily in the parking lot. This could extend the duration of work by 18 months to 2 years. Ms. Sullivan summarized the modifications as an addition of 4 electric vehicle charging stations in an already-paved area and the removal of a landscaped parking island, with no increase to net impervious. She does not feel this warrants an amended filing and recommended that the applicant be allowed to proceed and that the modifications be reflected in the as-built plan when submitted. Mr. Moser asked for clarification on the parking configuration change and the assertion that net impervious was not changing. Mr. Nagle said that the island is being removed to facilitate loading dock access and that the no net impervious result will be achieved by not constructing several previously approved parking spaces. It is the rough equivalent of 3 parking spaces, under 600 sq.ft. Discussion of the completed drainage upgrades. Mr. Nagle stated that the system would remain marginally over-designed. Mr. Moser reminded Mr. Nagle to notify the city engineer of any changes to the plan. Mr. Doyle asked if they would need an extension as well. Mr. Nagle said they likely will next year, but are not asking tonight as they want to develop final plans. He noted that they will be seeking a certificate of occupancy for #50 and #60 shortly and asked if ConCom signs off on this. This is handled by the Building Department, but Building requires an approval from ConCom, the commission might want to see an as-built at that time (assuming a full Certificate of Compliance on this filing has not yet been issued). Mr. Moser noted that Building does not typically hold up a CofA even if ConCom has not yet issued a COC, as Building is concerned with safety, etc., rather than WPA regulatory compliance. ConCom does not typically ask Building to withhold a CofA in this case. Mr. Doyle moved that the commission agrees that the nature of this change is minor and does not warrant submission of an amended NOI. Mr. Dufromont seconded. In favor: Sbordone, Doyle, Moser, Donovan, Andrews, Champion, Dufromont.  
**Motion passed.**

## **Public Meeting**

**Request for Certificate of Compliance** (DEP File # 316-0774)

**Applicant:** Nathan Jeffrey LLC and Musue LLC c/o Kin Properties Inc.

**Property Location:** 80 Second Ave.

**Project Description:** Renovation of existing building with site improvements.

Mr. Nagle of VHB appeared for the applicant. Work finished last year. Mr. Nagle recently accompanied Ms. Sullivan on a site inspection. Ms. Sullivan made a follow-up visit today and noticed significant flooding. She noted that an as-built has not yet been provided. She suggested that the COC not be issued until the as-built has been received and additional trash cleanup completed. The commission agreed and Mr. Nagle felt this was reasonable. Mr. Doyle moved to continue, and reminded the applicant to also reach out to Cambridge Water Department, who was involved in this project due to the proximity to the reservoir. Seconded by Mr. Donovan. Mr. Donovan asked for clarification on the ownership [the parcel has multiple tenants but one owner]. **Motion passed.**

## **Public Meeting**

### **Request for Minor Modification to Negative Determination of Applicability**

**Applicant:** Gabi Kotliar

**Property Location:** 151 Newton Street

**Property Description:** Installation of a chairlift and associated 5'x5' concrete pad proposed in existing paved area within Riverfront.

Ms. Kotliar was present. Ms. Sullivan summarized the project. The applicant has also presented this to the Building Department. The question is whether the proposed change is minor or will require a more formal filing. Discussion. The commission agreed that this is a very minor change and can be reflected in the as-built plan. Mr. Doyle moved to approve by voice vote. Seconded by Mr. Dufromont. All present in favor, **motion passed.**

## **Commission Business**

- Approval of meeting minutes from 03-21-2024. Mr. Donovan moved to approve, Mr. Dufromont seconded. **Minutes approved.**

## **Correspondence**

- INFORMATIONAL: Notification of planned Eversource station upgrades at 1265 Main Street noted.
- INFORMATIONAL: Receipt of Request for Superseding Determination of Applicability for 77 Copeland Street noted.

## **Old Business**

- Potential violation at 190 Trapelo Road (Fernald). Steve Chmiel, wetland scientist associated with the project, was present to respond to the commission's questions regarding the wetlands determination at this location. Arsen Hambardzumian of NESRA Engineering and Kim Hebert of the Waltham Recreation Department also present. Mr. Chmiel noted that his role has been only for resource assessment. He noted the extensive wetlands on the southern portion of the site. Mr. Doyle stated the focus of the discussion should be on the wetlands determination. Mr. Chmiel stated that this location was evaluated 10 February 2023 as a potential BVW [Bordering Vegetated Wetland]. He did not find anything to indicate that this feature is connected to any feature that would support a BVW designation. It was also assessed for ILSF [Isolated Land Subject to Flooding]. The wetlands flags observed by the commission were placed to mark the most conservative maximum of flood storage potential. The calculation he ran placed the volume at less than 50% of the minimum needed to qualify the area as ILSF. He also reviewed it as a stream and determined that it did not meet criteria. There is no inflow or outflow. With those categorizations ruled out, it could be IVW [Isolated Vegetated Wetland], which is non-jurisdictional, or a drainage feature. He is of the opinion that "nothing out here is unintentional"—the landscape has been significantly altered and all features served some purpose. He believes that based on other changes to the area this was probably constructed to alleviate flooding. Historical aerial photos are inconclusive. Based on known activity on the site, such as burying

more than 2000 linear feet of stream, he does not think any attempt would have been made to preserve a wetland here. He concluded that it is a stand-alone drainage feature, not a wetland resource. It is an isolated anomaly with no wetlands within at least 1500 feet. The nature of the rest of the area also suggests to him that this is a built and maintained feature. Mr. Doyle asked to confirm that it would not be considered a vernal pool. Mr. Chmiel did, noting that on the 2023 visit it was completely dry, with trash and debris in and around it, with some wrack line. He views it as a depression which becomes a stagnant ditch which under some conditions can overflow to the east. Mr. Dufromont asked about the excavation in the area which has ponded with water recently. Mr. Chmiel stated that he has not been to the site recently it has been a wet spring: Massachusetts had almost 13 inches of rain in March. Mr. Dufromont asked about the possibility of historic wetlands in the area of the Shriver Center parking lot area. Mr. Chmiel was not aware of any and did not have soil sampling information for that area. Ms. Hebert commented that the ponding is from runoff in the area after recent rain. Mr. Dufromont asked about making a site inspection. Discussion. It was noted that the commission has approved an outside reviewer to make an independent determination, and that this reviewer will make a visit. Ms. Champion noted several points of concern, which included asking what triggered the initial site visit regarding the potential violation; why a consultant wasn't hired to verify the presence of a resource area a year ago, when Mr. Moser first had a concern; and the adversarial tone of the memo that was sent to the Recreation Dept. director, which she felt was excessive. Discussion on the process of how questions were solicited and submitted by the commission and the status of the purchase order for the outside review. Mr. Moser raised the point of how the commission would proceed after the independent review. Ms. Sullivan confirmed that the purchase order is in process but has not yet been released by the Purchasing Department. Mr. Moser confirmed for Ms. Champion that the initial report of a potential violation was received by the commission's city email account. Mr. Moser noted that his recollection of events does not match the account of a previous site visit, which had been referenced. He did not believe there had been disagreement on the status of the area until recently, and so no outside review had been needed. Ms. Champion asked how Mr. Moser concluded this area was jurisdictional, which he explained. He noted that Mr. Hambardzumian had been present at that visit and asked for his recollection. Mr. Hambardzumian felt there might have been miscommunication and hoped all parties could resolve this situation. Discussion of access to the site. Ms. Hebert confirmed that the independent reviewer will have access to the site. All parties will be involved with scheduling. Mr. Sbordone noted that until the independent evaluation, speculation would be unproductive. Mr. Doyle agreed and added that the main issue here is due diligence by the commission. There is a great deal of public interest and publicity in the Fernald site but the commission is trying to fulfill its responsibility and do its job. In reference to mention of a recent press inquiry, it was noted that the commission follows a general policy of not speaking to the press and that because the commission conducts business and deliberates in public only, individual commissioners also do not respond to press inquiries. The commission's deliberations are public records and the commission strives to be transparent; the office routinely makes records available upon request.

### **Site Visit Reports**

- MCRT, Linden Street to Beaver Street section. Erosion control issue. Noted by Mr. Donovan. Ms. Sullivan provided some additional information. Concerns here should be reported directly to the Planning Department.
- MCRT. Mr. Donovan noted a report of a separate issue at the other (west) end of the trail where the new Boston Orthopedics building is under construction. They have been screening material at the top of the hill during construction and it is falling down the hill and reaching the bike path.

- 399 Lexington Street. Mr. Donovan reported on the recent site visit at CHCH [316-0826]. He stated that the work is substantial but well-thought out. [This applicant will appear at the commission's 5/2/2024 meeting.]
- Gardencrest. Ms. Champion recently noted possible construction work in jurisdiction in the area and had asked Ms. Sullivan to investigate. Ms. Sullivan has not yet been able to visit the site, but reported that the location is at the boundary of Gardencrest and Bentley University, and it also might be in temporary use as part of the MCRT construction. She will investigate further.

#### **Committee Reports**

- **CPC:** Next meeting scheduled for April 16, 2024.

#### **New Business**

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

Meeting adjourned at 8:41 PM.