



Waltham Conservation Commission
June 22, 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 7:04 PM.

Attendees: Chair Philip Moser, Vice Chair Bill Doyle, Michael Donovan, Bradley Baker, Louis Andrews, Alexander Sbordone

Absent: Gerard Dufromont

Public Meeting

Request for Determination of Applicability (Continued from 5/25/2023)

Applicant: Hobbs Brook Real Estate LLC.

Property Location: 590 Lincoln Street

Project Description: Construction of two French drains, two catch basins, and a trench drain at the secondary access driveway. Work is intended to mitigate a winter icing issue from stormwater runoff and snow melt which causes a public safety hazard. Work is within the 100-foot buffer zone.

Anthony Donato of Hancock Associates represented the applicant. He summarized the project and previous discussion. He presented two new alternative plans (A and B) for review. He noted that Cambridge Water Department reviewed the earlier plan and requested storm water improvements. The new plan includes a storm water quality unit to address this. Discussion. Focus on Plan A. The commission felt the new plan addressed previous concerns.

Mr. Doyle moved to issue a negative determination, with a condition referencing updated Plan A as the approved plan, and specifying that the commission finds negligible impact and no NOI necessary.

Mr. Donovan seconded; all present in favor. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: Hobbs Brook Real Estate LLC.

Property Location: 404 Wyman Street

Project Description: Relining of private sewer main within Hobbs Brook campus. Clearing of approx. 150 linear ft. / 300 sq.ft. of brush is required to gain access to sewer main and manhole covers. Work is within the 100-foot buffer zone.

Mr. Donato presented for the applicant. He explained earlier work at this location concerning a sewer crossing under route 128. A lift station was installed and a line rerouted at that time. Groundwater infiltration has been detected in this nearby sewer and it will be lined. The proposed work is for clearance and access to reach the area. He specified the areas to be disrupted. It is in upland, but is

surrounded by wetland and is in buffer. Discussion. The commission is familiar with the site from the previous project. The commission recognizes that this would largely be exempt utility work except that it is effectively a private utility line. They see very little risk and understand that the work needs to be done. Mr. Moser felt that despite some disturbance this could be approved as an RDA (vs. NOI) if invasive control and restoration plantings were agreed to. He cited the excellent restoration work done previously in wetlands near this site by the applicant. Michael Burns, for the applicant, suggested they could re-use the planting lists used for that previous project. Mr. Moser felt that would be fine and that a recommendation from a wetland scientist and a follow-up visit, creating before and after photos, would be sufficient. A formal planting plan would not be required. Mr. Donovan moved to issue a negative determination, with the condition that the applicant would replant and monitor for one year. Mr. Doyle seconded. All present in favor, **motion passed**.

Public Hearing

Notice of Intent (DEP File # not yet assigned) (Continued from 6/8/2023)

Applicant: John Colbert—MWRA

Property Location: Linden Street ROW; Waverley Oaks Road ROW. Project is entirely in roadway between approximately 182 Linden Street and 225 Waverley Oaks Road.

Project Description: Rehabilitation of existing water main (Weston Aqueduct Supply Main – WASM3).

Kathleen Pearson (MWRA), Ryan Stackpole (Stantec), Genevieve Shepard (Stantec) present for applicant. Mr. Stackpole summarized the project and discussions so far. This appearance is to focus on the necessary cutting and replacement of trees in the work area. Results of 6/13/23 meeting with MWRA, the city tree warden, and ConCom discussed. Trees are to be replaced inch-to-inch, 457 caliper inches yielding 305 1.5-inch bare-root saplings. 60 of these will be dedicated for planting in or immediately adjacent to the jurisdictional area affected by this work; of these 29 will be directly in the riverfront area. Discussion. Trees to be selected in coordination with and planted by the tree warden. Clarification as to why trees cannot be replanted on the water main or adjacent sewer main due to operational and maintenance requirements. The commission was happy with the plan. Mr. Moser noted that as a matter of regulation, only those trees (29) to be planted in the jurisdictional area should be explicitly conditioned. It was confirmed that MWRA does not do landscape maintenance at this location, it is the City of Waltham. The intent of the commission would be to close this hearing and issue conditions, but it does not yet have a DEP file number assigned so it cannot be closed. Brief discussion of tweaking of standard special conditions with MWRA's legal team, to be resolved prior to the next meeting.

Motion to continue by Mr. Baker, seconded by Mr. Doyle. **Motion passed**.

Public Hearing

Notice of Intent (DEP File #316-0817)

Applicant: Jessica Pearlman

Property Location: 88 Arcadia Avenue

Project Description: Construction of inground saltwater pool with permeable paver surround.

Applicant described the project. She also described the unusual topography: while within wetlands jurisdiction, the parcel slopes up toward the wetlands, which are above it on the other side of a rise. This location drains away from the wetlands. Mr. Doyle asked if Engineering had any storm water or drainage concerns. They have not raised any. Mr. Donovan noted an area on the property that appeared to be crushed stone or concrete; the applicant clarified that it is packed earth or mulch. Mr. Baker asked about soil removal. Any excavated material will be removed and not add fill in this area (it is not flood plain). It was noted that the standard 4" fence gap required by the commission is

usually waived for safety when pools are involved; the fence in this case is around the pool only, not the entire property, so it would be acceptable to have no gap. Comments on permeability. The commission also felt that the unusual topography nullifies the need for erosion controls. Mr. Moser noted that the site plan indicates that the applicant has a shed which encroaches a small distance onto land owned by the Commonwealth. While the applicant inherited this with the purchase of the property, she agreed to see if its design would allow it to be moved. Mr. Donovan moved to close the public hearing; Mr. Andrews seconded. Motion passed. Mr. Doyle moved to issue an order of conditions, striking both the standard fence gap and erosion control conditions due to the drainage. Mr. Sbordone seconded; all present in favor. **Motion passed.**

Public Meeting

Request for Certificate of Compliance (DEP File #316-0789)

Applicant: Paul Boche & Cathy Chen

Property Location: 98 Lakeview Terrace

Attorney Robert Nislick appeared for the applicant. Christopher Cantin of Parterre also present. Mr. Nislick summarized the work, noting that Mr. Doyle had reviewed at various stages. Mr. Cantin presented additional details and the as-built plan. He noted that they have achieved more additional flood storage than in the order (22 cu.yd. vs 15). All work has been completed and construction debris removed. Mr. Doyle recently visited the site and showed site photos with fence removed and new vegetation coming in. Mr. Baker also visited and thinks it looks wonderful. The swale connection to the pond is a great improvement. Mr. Donovan agreed and thanked the owner for working with the commission. The rest of the commission concurred. Mr. Moser noted that a for sale sign has been posted, and asked that any buyer be informed that this is a restoration in progress, not to be mowed or disturbed. The erosion controls should now be removed. He thanked the applicant's entire team for their efforts. Some of the issues were inherited from the previous owner and the applicant achieved a good result.

Motion to issue COC by Mr. Doyle, seconded by Mr. Donovan. All present in favor. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: Mark and Jayne LaForest

Property Location: 146 Lakeview Ave

Project Description: Add a second floor addition and reconstruct the front porch.

Bob Bibbo appeared for applicant. Mr. Bibbo explained the details of the project and the commission viewed the plan. The commission had no concerns, as construction will use the existing footprint and slightly reduce the amount of impervious area. Changes are small and exempt from storm water engineering review.

Motion to issue a negative determination by Mr. Doyle, seconded by Mr. Andrews. No additional conditions specified. All present in favor, **motion passed.**

Public Hearing

Notice of Intent (DEP File #316-0818)

Applicant: Gerald Autler – Massachusetts Department of Conservation and Recreation

Property Location: Mass Central Rail Trail – Wayside (within MBTA right of way, west of Jones Road)

Project Description: Construction of 10-foot wide shared-use path within the previously disturbed rail bed. A portion of the activities are located within the 100-foot Buffer Zone.

Applicant has requested a continuance to the 7-13-2023 meeting. Mr. Donovan noted that there was a site visit last week. Motion to issue a continuance by Mr. Doyle, seconded by Mr. Donovan. **Motion passed.**

Public Hearing

Notice of Intent (DEP File #316-0819)

Applicant: Chris Legocki – Greystar Development East, LLC.

Property Location: 379-395 Totten Pond Road

Project Description: The proposed project consists of razing the existing structures located on-site, and the construction of a five-story office/research laboratory building with attached structured parking and associated surface parking. Proposed work will occur within Inland Bank and the 100-foot buffer zone to Inland Bank and Bordering Vegetated Wetlands.

Zack Richards (Bohler Engineering), Jacob Stark (Greystar), Chris Lucas (Lucas Environmental) present for applicant. Mr. Richards explained details of the project. It will replace multiple late-'60s office space with a single new building. He pointed out challenges of the topography and the existing intermittent stream and culvert. There will be traffic flow changes and a new curb cut (from Winter Street) which will require in a new stream crossing. He noted storm water improvements. Mr. Lucas covered specific wetlands issues. There are no rare species, it is not in floodplain, no BVW, only the intermitted stream along Winter Street and inland bank/buffer zone. He noted the StreamStats information for intermittent determination. He gave details on the new stream crossing. All performance standards will be met, even though they are not all required here. Documentation is included in the NOI filing.

Mr. Doyle commented on site access and the traffic situation and the city's need for more comprehensive planning. Discussion of parking storm water routing. Revegetation of some areas discussed. Mr. Moser noted that the stream crossing addition is unusual for the commission and has separate regulations so the commission will want some time to properly review. He also noted that the West Chester Brook, while intermittent, is prone to dramatic flooding after heavy rain due to run-off from office buildings in this area. He views the plan for this site as an improvement. He hoped the project would include invasive removal.

A site visit was scheduled for 7/13 at 7AM.

Motion to continue the public hearing by Mr. Doyle, seconded by Mr. Donovan. **Motion passed.**

Commission Business

- Approval of meeting minutes from 6-8-2023. Motion to approve by Mr. Andrews, seconded by Mr. Sbordone. Motion passed.

Correspondence

- The addition of Hardy Pond Watershed information to the Massachusetts watershed planning system was noted.
- Upcoming National Grid maintenance activities (late 2023 or early 2024) near Northeast Elementary School noted.
- Ownership change and petition to DEP for an amended superseding order at 131 Pond End Road (formerly 0 Pond End Road) noted.
- Bentley notification of upcoming approved work (March RDA) over the next 4 weeks. Mr. Donovan would like more details and will contact them.
- The commission noted the approval of the FY2024 budget. Mr. Moser noted minor changes to the budget over previous years.

Old Business

- Commission discussion of Fernald appeal (316-0814). Nathaniel Stevens, counsel for the city for this matter, present for applicant. Kim Hebert, Rec Department, and Katie Laughman, Law Department, also present. Mr. Stevens summarized the situation regarding the appeal to DEP of the special conditions. He stated that the city would accept most of the conditions and proposed changes to the others. Mr. Moser felt the changes would likely be acceptable. The conservation restriction (CR) could be a sticking point. He had welcomed DEP's involvement in this issue. Discussion of restrictions on NOI filings and orders based on CR details. Mr. Stevens explained that DEP's position is that the CR is a CPA requirement and not a DEP enforcement issue. Stated that the plans to date are still preliminary for much of the site. He noted that the city has begun reaching out to potential third-parties, as required, to hold the CR. Mr. Moser noted that the intent of a CR is to put development restrictions in place prior to development. It has been approximately 8 years since the city acquired this land and a CR is still not in place. Although this issue is primarily for the CPC, he does not want to see it ignored. Mr. Doyle, the commission's representative to the CPC, agreed that it appears the applicant has been attempting to do this backwards: develop first, register CR after. Mr. Stevens asserted this is an issue of permitting for ConCom. As this discussion was informal and will result in no vote, the applicant will revisit based on this input and perhaps return with a request for an amended filing.

Site Visit Reports

- 2 Worcester Lane/Piety Corner Club (Mr. Donovan). Mr. Donovan walked the site a few weeks ago. Tree work appears to be complete. The ground is bare, but there appears to be no erosion. He has not returned to see if grass has been planted, but this week noticed construction material and equipment parked there. Some appears to belong to Mr. Beaton, who owns a property nearby. He noted that a No Trespassing sign has been posted.
- Mokema Woods (invasive control contractor meeting). Mr. Moser reported a significant amount has been done and progress is good.
- Paine Estate. Mr. Donovan reported on meeting with a contractor for a quote on Wisteria treatment on 6/12. They will submit a proposal (not yet received). Mr. Moser asked if the details of the treatment plan are similar to the previous work. Mr. Donovan believes this will be a 2-treatment plan. Mr. Moser would like the plan to be as comprehensive as possible, to simplify approvals.

Committee Reports

- **CPC:** Met on June 13, 2023. No report.

New Business

- Election of Commission officers for 2024 budget year. Brief discussion. Deferred to next meeting.
- Mr. Moser updated the commission on the search for a new conservation agent. Two applications have been received, but they did not meet the posted requirements. The position remains open until filled.

The meeting of the trustees of the Conservation Trust Fund scheduled to follow was deferred as Mr. Dufromont was absent.

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

Meeting adjourned at 9:26 PM.