



Waltham Conservation Commission
July 13, 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, Gerard Dufromont, Michael Donovan, Bradley Baker, Louis Andrews.

Absent: Alexander Sbordone

Development Prospectus Sign Off

- 455 Totten Pond Road. Attorney Phil McCourt present for the applicant. Mr. McCourt summarized the project. This sign off is for city council permitting. He noted that he and the applicant are aware that an NOI filing will be required at this location. Mr. Moser noted that while the commission usually completes the NOI process before the sign-off for council, doing it in this order is acceptable. No other concerns from the commission. Motion by Mr. Doyle, authorizing the Chair to sign off on behalf of the Commission, with a notation that an NOI will be required. Seconded by Mr. Dufromont. All present in favor. **Motion passed.** Mr. McCourt will drop the paperwork off early next week.

Public Hearing

Notice of Intent (DEP File # 316-0820) (Continued from 6/22/2023)

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).

Applicant has requested a continuance to 7/27/2023 to close tree hearing with CPW. Motion to continue by Mr. Doyle, seconded by Mr. Donovan. **Motion passed.**

Public Hearing

Notice of Intent (DEP File #316-0818) (Continued from 6/22/2023)

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.

Mr. Autler present, also Dan Wells of LEC and Dennis Reip and Marlin Heuil of Stantec. Mr. Autler summarized the MCRT and this specific segment of the project. DCR leases a 23-mile section, the Wayside Trail from Hudson to Weston/Waltham, of the complete MCRT. This project would close part of the half-mile gap between the current terminus in Weston and the segment currently under construction in Waltham. The remainder is dependent on infrastructure work still to be completed at routes 117/128. He noted public safety concerns around the existing trestle bridge. The bridge section is in Weston, so being permitted separately.

Mr. Wells gave details explaining the site plan and improvements. Noted that the trail will be slightly above/north of the informal trail in the area. Highlighted the wetland area, which comes from the north and then enters a pipe to discharge behind the parking structure of 201 Jones Road, draining toward Stony Brook. Outlined the new plantings to be made at the project location. Approximately 13,300 sq.ft. of buffer zone impact, no direct wetland alteration. The commission favors the project and has no concerns. They are happy to see more action toward completing the trail. Mr. Autler noted that this segment might be complete as early as late 2024. Several members attended a recent site walk. Mr. Moser raised two points. Can shade trees be added or do the powerlines prevent this? Mr. Reip and Mr. Hueil stated that the plans farther east envision trees, but the powerlines and grade here don't allow for trees. Mr. Moser asked for specifics about reseeding, and Mr. Hueil confirmed that they will use a native pollinator seed mix rather than turf. Public comments were solicited. Mr. John Dieckmann of Waltham Land Trust noted that WLT enthusiastically supports the project and thanks DCR for moving ahead with it.

Discussion covered the special conditions, which are expected to be the same as those issued for the Charles River Greenway project (316-0813) earlier this year. DCR cannot accept perpetual conditions. Other changes relate to herbicide/pesticide use and storm water infrastructure. The commission agrees that most of these conditions are intended to apply in previously undisturbed areas and are not a major concern here. The applicant asked for a final opportunity to review the draft with DCR legal counsel prior to the commission issuing. As there will be a lag of several days between the voted approval and signed issuance, the commission agreed to do this. The office will prepare the draft for review on Monday. Applicant and commission both anticipate no changes.

Mr. Moser noted that the area immediately adjacent to the project (1432 Main Street) was cleared in 2021 and is under a restoration agreement with the commission; if this applicant is willing to plant along that property line, donated plantings might be available. This will be discussed.

Motion to close the public hearing by Mr. Doyle, seconded by Mr. Dufromont. Motion passed.

Motion to approve with the modified special conditions, subject to final approval of the wording, by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Public Hearing

Notice of Intent (DEP File #316-0819) (Continued from 6/22/2023)

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.

Mr. Moser noted that he and Mr. Doyle attended a site visit that morning at which the applicant requested a continuance. Motion to continue by Mr. Doyle, seconded by Mr. Donovan. **Motion passed.**

Public Hearing

Notice of Intent (DEP File #316-0821)

Applicant: City of Waltham Engineering Department

Property Location: 185 Lyman Street (Lyman Pond weir in Chester Brook)

Project Description: The intent of this project is to modify and improve the weir structure located within Chester Brook.

Bob Winn, City Engineer, and John Martino, city engineering department, present. Mr. Winn explained the project, which would substantially breach the weir. Mr. Martino presented photos of the site to show more detail. Discussion. Mr. Doyle wondered why the entire structure could not be removed. He believes that hydraulically it does nothing and would count as an ecologic restoration. Discussion of approving an “alternate scope,” including removal. The project as presented would not do this. Perhaps conditioned to allow the breach to be made larger based on the site conditions, or to allow more significant removal if the weir is found to be structurally unsound during work. The “Rizzo Report” was referenced, as it likely includes modeling of this structure. [The “Rizzo Report” is formally the “Chester Brook Flood Mitigation Study” prepared for the city by Rizzo Associates in 2003.] Discussion of current upstream flooding conditions, specifically in the Oakley Lane/Square Pond area and a Gardencrest parking lot. Mr. Martino and Mr. Winn expect the work to have some effect but not resolve those problems. Mr. Doyle noted that there would be some consequence downstream, even if small, as the water has to go someplace. Discussion of the actual effectiveness, if any, of this weir. Mr. Moser raised the point that the City of Waltham is not the owner of this property. Mr. Winn acknowledged this and stated that they have permission from the owner (Society for the Preservation of New England Antiquities—“Historic New England”) and will have a letter on file to document this. The city is acting as applicant and representative in this filing. Public comment was solicited. Mr. Dieckmann of WLT spoke. They have long supported the Western Greenway project which has a plan to place a trail segment through the Lyman Estate property and cross the brook very close to this location, to join the Mass Central Rail Trail. That will be a separate project, but will benefit from this one. Mr. Moser and Mr. Doyle added that that project will be subject to stream crossing standards and other regulations. Army Corps of Engineers will be involved with the stream crossing and the state with Chapter 90 or Chapter 91. Discussion noted that the current bridge and culvert at Lyman Street would not meet these standards and is probably more responsible for flooding than the weir. Robert Kearns of Charles River Watershed Association spoke in support of the eventual full removal of the weir. The commission discussed, in light of possible comments still to come from DEP, continuing this hearing to the next meeting. The applicant did not object. Motion to continue by Mr. Doyle, seconded by Mr. Dufromont. **Motion passed.**

Commission Business

- Approval of meeting minutes from 6-22-2023. Motion to approve by Mr. Donovan, seconded by Mr. Doyle, **motion passed.**

Correspondence

- INFORMATIONAL: DCR sampling and invasive treatment on the Charles River noted.
- INFORMATIONAL: City of Waltham contractor work at Hardy Pond noted.
- INFORMATIONAL: DCR invasive treatment at Beaver Brook Reservation noted.

Old Business

- Withdrawal of Fernald project NOI noted. Mr. Donovan asked if this withdrawal covered all plans at the Fernald; it was clarified that the NOI only applied to the area under ConCom jurisdiction. The status of the required conservation restriction was discussed, as well as DEP involvement

and MEPA requirements. Mr. Doyle and Mr. Moser noted that the commission approved this project, with conditions.

- Election of Commission officers for 2024 budget year. Mr. Moser stated that he would like to step down as Chair, but would be willing to serve 6 more months in order to facilitate the hiring and training of a new Conservation Agent. Other officers expressed willingness to continue in their roles. The full slate of commission officers includes the Chair, Vice Chair, Secretary, Representative to the CPC, and a clerk for the Conservation Trust Fund. Discussion. Mr. Doyle nominated the current slate of officers for re-election. Mr. Baker seconded. The motion passed. Current officers will continue in place and the commission will re-address in 6 months (January, 2024).

Site Visit Reports

- none

Committee Reports

- **CPC:** Next meeting scheduled for September 19, 2023.

New Business

- none

The meeting of the trustees of the Conservation Trust Fund scheduled to follow was deferred as there was no business to conduct. Mr. Dufromont noted that his attempt to get quotes for the wisteria removal at the Paine Estate has been unsuccessful. Mr. Moser suggested this is probably due to the heavy seasonal workload for these firms.

Mr. Moser requested a motion for the commission to enter executive session to discuss the status of applications for the conservation agent position. The commission will then adjourn and not return to a public meeting. Motion by Mr. Doyle, seconded by Mr. Andrews. **Motion passed.** The public portion of the meeting was concluded. The recording was stopped at this time, 8:33 PM.