



**Waltham Conservation Commission
September 21, 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 7:01PM.

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

Absent: Bradley Baker.

Development Prospectus Sign Off

- 379-395 Totten Pond Road (also DEP 316-0819). Shawn Keefe of Connors & Connors was present and described the project. This project already has an OOC, the sign off is for a city council special permit. Mr. Moser asked and the applicant confirmed that this sign-off request is procedural only: no changes have been made to the plan. Mr. Doyle moved to sign off, Mr. Dufromont seconded. All present in favor. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0821) (Continued from 9/7/2023)

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.

The applicant has asked to continue. Mr. Doyle moved to continue, Mr. Dufromont seconded. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: City of Waltham

Property Location: Mt. Feake Cemetery (203 Prospect Street).

Project Description: Removal of hazard trees in riverfront area.

Kevin Thompson, city tree warden, was present and summarized the request. He noted earlier tree removals in 2018 from Mt. Feake and Grove Street cemeteries. Conditions in recent years have been harsh on sugar maples and there are additional trees that are a safety hazard. This is to remove 6 dead or nearly dead trees in jurisdiction. Mr. Moser noted that tree removal counts as alteration and

typically requires an NOI under the WPA, but the commission has previously allowed removal of dead trees with replacement. In 2018, this was done with the agreement that removed trees would be replaced. Mr. Baker (not present) has visited recently and noted that the trees have not yet been replaced. Mr. Thompson believes only one tree was not replaced, but about 4 others died.

Discussion. Mr. Moser suggested that an NDA could be issued if replacement is committed to, with species choice at the discretion of the tree warden. Mr. Donovan noted that the trees to be replaced are large and old; Mr. Thompson believes they are around 100 years old. Mr. Donovan asked if replacements are planned for the other trees to be removed (59 total, the majority sugar maples, most outside of jurisdiction). Mr. Thompson noted that while replacement location may vary, he strives to replace every tree the city removes (estimated to be about 100 per year). Mr. Dufromont would like to see the missing trees from the 2018 work replaced before an NDA is approved. Mr. Thompson noted restrictions on planting locations in the cemetery, as well as not having control of the site. Options are limited. There are also water and sewer lines under the riverbank (cannot plant above). He is amenable to making replacements if locations can be found. Ms. Sullivan will plan to make a site visit. Mr. Thompson covered details of the plan, including stump grinding; best practice is not to plant replacements in the same locations as removals, due to stumps and roots below ground, as new trees will usually not thrive.

Mr. Donovan moved to issue a negative determination with a condition that 7 replacements (6 from this work plus the 1 owed tree from 2018) be planted within one year. Seconded by Mr. Doyle. All present in favor. **Motion passed.**

Public Hearing

Request for Extension to Order of Conditions (DEP File # 316-0770)

Applicant: City of Waltham, Jeannette McCarthy

Property Location: 554 Lexington Street

Project Description: New High School project

Order of Conditions will expire 12/10/2023. Project was issued a partial Certificate of Compliance 11/22/2021. Mr. Donovan recused, as he is on the high school building committee. Erin Prestileo and Meghan Collins of SMMA present, and Julia Sterns of AECOM (wetland scientist). Ms. Prestileo requested an extension to August 31, 2024. She also requested approval for immediate removal of the wood chip access path in the completed portion. Mr. Moser suggested the items be split. Mr. Andrews moved to issue the extension, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Ms. Collins presented an update on the project. The monitoring period has ended and the wetland is well established. She feels it will be beneficial to remove the access path, which will allow the forest to begin growing into it this coming spring. It will also result in less traffic. Mr. Dufromont asked if any planting is planned in the pathway. There is not. Mr. Moser asked if the chips would naturally biodegrade and if removal is necessary. Ms. Sterns said that if the chips are deeper than 3" they will take a very long time to degrade and will remove nitrogen from the soil, so nothing else will grow. It is probably 6" or more in most parts of the path. Discussion. Ms. Sterns suggested removing all but a thin layer. It was agreed that this was reasonable. Mr. Doyle has visited regularly and agreed that the chips and erosion controls should be removed and expects this will grow in quickly. He volunteered to observe to confirm the depth of removal. Ms. Sullivan agreed that leaving a thin layer would be better than going to bare soil. Mr. Doyle and Ms. Sullivan will schedule a visit. Mr. Moser asked about invasive management, per the standard conditions. Have invasives been identified at this location? Ms. Sterns believes invasives are not a problem at this location due to the shade. Ms. Collins added that the site contractor has been monitoring and removing invasives over the past two years. Mr. Moser asked how the success of the wetland restoration would be measured for the final certificate of compliance. Ms. Collins believes they have had about 95% success with the plantings, with some replacement. Mr. Moser asked if there is any indication that the intermittent stream has been affected

by the blasting. Ms. Collins believes it is unaffected but will continue to monitor. In summary, the commission approves immediate removal of erosion controls and all but a thin layer of woodchips.

Public Meeting

Request for Full Certificate of Compliance (DEP File # 316-0806)

Applicant: Andrew D'Allessandro

Property Location: 121 Edgewater Drive

Project Description: Installation of a residential dock.

Paul Finger present for the applicant. Mr. Finger summarized the approved work and conditions. He showed photos and an as-built plan. Hydroraked material was stored on site then removed and composted. Mr. Dufromont has visited the site and complimented them on the work. The rest of the commission had no issues. Motion to issue COC by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Commission Business

Old Business

Mr. Moser returned to the draft commission policy to delegate sign-off of fuel permits and development prospectuses to the Conservation Agent. This was drafted about a year ago, discussed, and posted for a public comment period (10/6/2022). It was shared with the city council and the law department as a courtesy. Comments and discussion. No comments have been received. Adoption of this policy had been delayed because there has been no conservation agent. Mr. Doyle moved to adopt the policy, seconded by Mr. Sbordone. Discussion. The commission believes this is a matter of administrative policy and as such is entirely within the purview of the commission and does not require approval from other entities. Circulation to others for feedback is a courtesy not a requirement. It was emphasized that the policy has been drafted to ensure a consistent application of rules and procedures across all applicants and to have that in writing. All present voting in favor, **the motion was approved.**

Correspondence

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Site Visit Reports

- 1036 Lexington Street. Ms. Sullivan visited. The site had a previous violation followed by an NDA for tree trimming in 2022. They have done work in the intermittent stream area behind the building without permits over the past year or so. Mr. Moser added historical information, as issues at this site date back further. He feels that the current encroachment will likely call for a restoration order. Mr. Dufromont agreed and would like to see a cease-and-desist issued. The rest of the commission agreed. Mr. Moser recommended that due to the new impervious area, the order be copied to the city engineer, who has enforcement over stormwater and drainage. Mr. Doyle noted that the specifics will need to be noted, such as riverfront boundary and buffer zone boundaries. An intermittent stream joins Chester Brook here. It may also be on the edge of the flood zone. Motion to draft an enforcement order by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.**
- 151 Newton Street. A violation came to Ms. Sullivan's attention here. She visited in coordination with the Engineering and Building Departments. The site had previously paved an area in riverfront and had ripped this up in preparation for repaving when the violation was reported. They have also installed new drains from the parking lot (infiltration basins). They seemed to be

unaware of the regulations and their responsibilities but after the visit and discussion, they are planning to submit an NOI and are cooperating to resolve this in good faith. Mr. Doyle noted that the WPA allows some repaving, but drainage would be an issue and they should have notified the commission in advance. Mr. Moser agreed that if the pavement was preexisting they might have been able to receive an NDA for that. He noted that erosion controls are obviously missing in the photos. Ms. Sullivan added that erosion controls were added after her visit. Discussion of the drainage work.

- Fernald property. Ms. Sullivan, Mr. Doyle, and Mr. Donovan visited regarding the anticipated RCOC for the stream daylighting project (316-0748). It's in good shape, although a few trees still need to be replaced.

Committee Reports

- **CPC:** Mr. Doyle reported that the September 19 meeting was cancelled as there were no new applications or necessary business. Next meeting scheduled for October 17, 2023.

New Business

- Mr. Dufromont asked about the application for 1265 Main Street traffic improvements (Rts 128/117/20 interchange) announced for the 10/5 commission meeting. It was clarified that the applicant has not yet filed and will be delaying to the 10/19 meeting (or later). The commission office will contact relevant parties to correct any inaccurate information that was circulated.

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

Meeting adjourned at 8:34 PM.