



**Waltham Conservation Commission
December 2 2021
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 7:00 PM.

Attendees: Chair Philip Moser, Vice Chair Bill Doyle, Gerard Dufromont, Michael Donovan, Matthew Deveaux, Bradley Baker

Absent:

Public Meeting

Request for Certificate of Compliance (DEP File # 316-0276)

Applicant: Paul Hopkins

Property Location: 105 Galen Street (AKA 205 Putnam Street)

John Rockwood of Ecotech appeared for the applicant. Howard Rock also present. Mr. Rockwood provided history of the site and work done, which dates to 1993 but continued in 2008, 2017, and 2019. Recent work includes removal of invasive species and new plantings in 2020 and 2021. 64 of 80 shrubs have survived and invasive species are controlled. Volunteer native species have appeared. Multiple members of the Commission have visited the site and are happy with the results. Motion to issue a certificate of compliance by Mr. Deveaux, seconded by Mr. Donovan. All present in favor. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0796)

Applicant: Brian Grisaru / King Street Properties

Property Location: 200 Smith Street

Project Description: Addition to building, approx. 68,000 sf. Build additional 6-level parking garage, approx. 30,000 sf.

Brian Grisaru appeared for the applicant. Also present Brandon Li from Kelly Engineering; John Rockwood of Ecotech; Brooke Whiting Cash of Lemon Brooke (landscape architects). Mr. Grisaru gave a brief description of King Street Properties and provided a summary of the project. They are new owners, since April 2020. This hearing is a first step in a larger process involving multiple city departments and the City Council. Mr. Li presented details of the project. He explained the current site configuration in detail, with an emphasis on wetlands and stormwater concerns. He described the proposed addition, totaling approximately 150,000 sf. of building space and a net increase of 375 parking spaces, but a net decrease of 280 surface parking spaces due to the garage expansion.

There will be an increase of approximately 1 acre of impervious area, but a net reduction of approximately ½ acre of impervious parking. There will be new utilities and upgraded storm water management to meet current DEP standards. This will reduce peak runoff and provide 5,000 cu.ft of recharge volume (5x DEP requirement). Storm water and pollution controls will meet City of Cambridge requirements (the site drains to the reservoir). Only a small amount of work will be in the buffer zone, approximately 18,000 sf., about 7,000 of which is new pavement for loading dock access. There will also be a retaining wall and sound wall, which will replace a screen of evergreens. Sound wall details will be determined by a study (by Cavanaugh Tocci). All plantings in buffer zone will be native. They will be filing with the ZBA and City Council. [Note: Mr. Li had a technical issue which reduced the quality of his presentation at times for some attendees, but it is clear in the meeting recording.]

Mr. Doyle had questions about the sound wall, but recognized the study must be completed first. He asked after the drainage system for the new garage. Mr. Dufromont inquired into access to the existing underground parking. Applicant noted this will not change. He asked for the rationale behind replacing the evergreens with a sound wall. Mr. Grisaru explained that the goal is to retain as many evergreens as possible, but that a community engagement meeting determined that noise is a concern for abutters and the sound wall has been chosen as a solution. It will also dampen sound from the new loading dock. Mr. Baker noted that the project includes measures the Commission likes to see from all projects, and hopes the new plantings will improve biodiversity. Mr. Donovan inquired into sound wall details. It will have a maximum height of 14' at the loading dock area. He asked for more detail regarding the entrance opposite Wingate Road and the plan for snow storage or removal. Snow will be hauled off site. The USPS will continue as a tenant: they have 5 years on their lease and an option to renew, so are expected to be there through 2030. They will continue to park vehicles in the northwest portion of the site and will not be affected by the garage work. Mr. Moser asked for additional details regarding the work in the buffer zone. At its nearest, the retaining wall will be 18' and pavement 23' away from wetlands. Mr. Moser noted that the MACC recommends extra caution within 50'. He also asked for clarification regarding tree cutting and replacement numbers in the planting plan. A tree survey has not been completed. He would like the applicant to replace removed trees with equivalent numbers of new. He asked that the applicant add the buffer zone to "before" plans to allow the Commission and public to make better comparisons of the work. Members of the public were invited to speak.

Debi Gardiner of 23 Wingate Road, Waltham, spoke. Ms. Gardiner disapproves of the project and cited land use and wildlife issues.

Paul Pavone of 33 Amherst Ave, Waltham, appearing as Business Manager of Laborer's Union, Local 560, spoke. Mr. Pavone represents 800 construction workers. He has spoken with the developers, who plan to use union labor and he supports the project. He also recognizes the neighbors' concerns and hope they can be worked out.

Robert Coleman of 249 Smith Street, Waltham, spoke. He noted that this is the 9th project with an NOI at this site since 1991. He expressed frustration as a neighbor. He asked if a site visit could be arranged for the neighbors. He raised numerous concerns regarding specific details.

Mr. Moser agreed that a site visit should be arranged for the Commission and neighbors.

Linnea Molgard of 205 Smith Street, Waltham, spoke. She raised concerns of past and future flooding on neighborhood streets.

A site visit was tentatively scheduled for 12/13 at 11 a.m. Neighbors who are interested in attending should contact the Commission office with their contact information, in case the time or date changes. Motion to continue this public hearing by Mr. Doyle, seconded by Mr. Dufromont. All present approved. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: ARE-MA REGION NO. 82, LLC / Maggie Capelle

Property Location: 40-60 Sylvan Road

Project Description: Site preparation and demolition.

Conor Nagle of VHB appeared for the applicant. Mr. Nagle described the site location and conditions. This RDA is for demolition prior to filing a full NOI (anticipated for January). The plans which the NOI will be based on have not yet been completed, but they have an opportunity to perform the demolition this winter. The property was the subject of an ANRAD/ORAD process earlier in 2021. Jamie O'Connell at Cambridge Water has been contacted and submitted questions and concerns to VHB, which have been addressed. Cambridge Water is satisfied with the response. Waltham ConCom has received this correspondence. Jamie has suggested that Waltham ConCom include conditions if they issue a negative determination (restricting construction vehicle access to the West Street entrance and stabilizing areas of exposed dirt). Mr. Nagle walked through these conditions for the benefit of the Commission, noting both Cambridge's concerns and the applicant's responses.

Mr. Doyle moved to issue a negative determination, to include the conditions requested by Cambridge Water. Seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Commission Business

- Approval of meeting minutes from 11-18-2021. Motion to approve by Mr. Donovan, seconded by Mr. Deveau. All present in favor. **Motion passed.**
- Storer Conservation Land Encroachment. Mr. Moser had no update.

Correspondence

- **Informational:** DEP extension of superseding order of conditions for the Wayside Trail project (DEP 316-0744) to April 12, 2025, noted.
- **Informational:** Brief discussion of delay in issuing DEP file numbers. This should not impact ConCom work, but could delay the closure of public hearings for applicants.
- **Informational:** MACC dues will increase, noted.
- **Hardy Pond Association** (via Sally Wetzler): request for assistance from the Commission in interpreting and understanding test results. Mr. Moser noted that the testing is intended to establish a long-term record and will be filed for that use. No one on the Commission or at HPA is qualified to understand the test results. He volunteered to draft a response to the HPA. The ConCom office will reach out to the test provider for information to understand the test results.
- **187 Lexington Street:** Paul Finger was present to discuss the concerns of the City Engineering Department (raised at the 11-18-2021 meeting). Mr. Finger provided some history of the project, which was last before the Commission in 2009-2010. Work was done for an upcoming sale of the property and included stormwater improvements (the property previously drained directly into Chester Brook). He was brought in recently by the owner and noticed the lack of compliance regarding the drainage structures. It was also discovered at that time that they did not have a certificate of occupancy (which concerns the Building and Engineering Departments). The owner notified ConCom to acknowledge that they have not been in compliance, but they now are, and they have committed in writing to stay in compliance moving forward. The Commission agreed to send a letter to the Engineering Department summarizing that ConCom is satisfied with the property owner's response.
- **200 Smith Street** ("muck pucks" inquiry): Mr. Grisaru mentioned this item in his earlier appearance. The product will not be used at the site.
- **Storer Conservation Area:** Regarding dumping on Storer land from 55 Ivy Lane, reported by a resident, and Christmas decorations placed on city property. The Commission is not concerned with the decorations, as they appear temporary. A fine or other enforcement action was suggested regarding dumping, as well as a letter to this property owner. A form letter to all

abutters, reminding them of the city's expectations of them as neighbors, was suggested. Mr. Moser noted that a full property line survey of Storer land is planned by the Engineering Department. The form letter might be delayed until completion of the survey. Mr. Donovan volunteered to make an immediate site visit to inspect the conditions.

Old Business

- Mr. Moser updated the Commission on the Conservation Agent position. An offer has been made, but he has no further information from HR.

Site Visit Reports & Requests

- 305 Winter Street (Paul Tibbetts). Has requested a site visit to inspect erosion controls. This project does not have a filing with the Commission, it was approved through the ZBA by comprehensive permit. Mr. Moser noted that the property is near West Chester Brook, but the work area might not actually be in jurisdiction. Mr. Doyle noted that the ZBA might have included conditions in the permit which ConCom is not aware of. ConCom office will respond to Mr. Tibbetts telling him to proceed without a site visit and will request a copy of the comprehensive permit from the ZBA to confirm that no specific conditions need to be met.
- Across from 81 Wyman Street (DEP 316-0784). As a site visit was not scheduled, Leo Garneau has requested to discuss the project status at the next meeting.
- 2 Chesterbrook Road. Mr. Baker and Mr. Donovan made a site visit. They confirm that the negative determination was appropriate. Mr. Baker has made suggestions for replacement trees.

Committee Reports

- **CPC:** No report. Next meeting is February 8, 2022.

New Business

- 195 West Street. Mr. Donovan suggested that the Commission make a visit to review conditions.
- Piety Corner property (380 Lexington Street). Work has begun on the major traffic realignment project (Lexington St/Totten Pond Rd/Bacon St). Trees and topsoil have been removed. Mr. Donovan noted that fencing and erosion controls do not appear to have been placed as approved, but he might not have had the correct updated plan. The ConCom office will research and follow up. Mr. Moser notes that even if the placement is correct today, they are technically in violation for not notifying the Commission before beginning work, and also for beginning work without the controls in place. Mr. Donovan is not sure they have corrected all issues, and will visit the site and report to the Commission.

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

Meeting adjourned at 8:52 p.m.