



**Waltham Conservation Commission
May 26, 2022
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 7:04PM.

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

Absent:

Development Prospectus Sign Off

- 10-14 Warren Street. Attorney Joe Connors presented information on this project (VeggieCrust, which will be going before the City Council for a special permit). The Commission determined that it has no jurisdiction in this matter. Mr. Doyle moved to allow the chair to sign off on the prospectus on behalf of the Commission, seconded by Mr. Donovan. All present in favor, **motion passed**.

Public Meeting

Request for Certificate of Compliance (DEP File # 316-0390)

Applicant: Killeen Law Office, LLC on behalf of Ralph Amelia

Property Location: 210 Pigeon Lane [To apply to 617 Lexington Street, and the following on Pigeon Lane: 184, 192, 192 R, 202, 202 R, 210, 210 R, 220.]

Dan Tocci appeared for Killeen Law. Mr. Tocci explained the history of this project dating to 1998. Conditions were met in 1999, but COC was never requested or issued. He has been working with the commission office on this issue, which has found paperwork noting completion. The filing predates current commission members but several, as long-term Waltham residents, have knowledge of it. Ms. Conlon has made a site visit and confirmed that the work was done to the issued conditions. Mr. Moser was somewhat familiar with the wetlands at the site. Motion to issue COC by Mr. Doyle, seconded by Mr. Baker. All present approved. **Motion passed**.

Public Meeting

Robert Kearns of the Charles River Watershed Association presented information on a proposal to remove the Watertown Dam. Waltham would not be directly involved but CRWA would appreciate a letter in support of this project from the commission. Mr. Moser noted that this project has not yet reached the permitting stage, but he views it as beneficial to Waltham and the health of the Charles River as a whole. The commission had several specific questions, which Mr. Kearns answered. Project specifics are still to be determined. Mr. Doyle moved to authorize the chair to write a letter in

support of this project, seconded by Mr. Dufromont. All present in favor. **Motion passed.** Mr. Moser recommended that all commission members sign, as support was unanimous.

Public Hearing

Notice of Intent (DEP File # 316-0803) (Continued from 5/12/2022 meeting)

Applicant: DCR Lakes and Ponds Program / Kara Sliwoski

Property Location: Length of the Charles River in Waltham

Project Description: The applicant is seeking an Order of Conditions for an Aquatic Management Program at the Charles River to control nuisance and non-native plant and algae growth utilizing treatment with USEPA/MA State registered aquatic herbicides, and other BMPs.

Kara Sliwoski from DCR and Keith Gazaille from SOLitude present for applicant. DCR has received the letter from MassHistoric confirming that there will be no endangered species or habitat loss in Waltham associated with this project. DMF has also issued the letter with TOY restrictions and other conditions, which as expected are very similar to the conditions on the lower Charles. Discussion, with focus on the special conditions created for this project by Ms. Conlon, in coordination with DCR and ConComs in Watertown, Newton, and Weston. Public comment was solicited, none was offered. Motion to close the public hearing by Mr. Doyle, seconded by Mr. Donovan. Motion passed. Motion to issue an order of conditions, to include the special conditions developed for this project, by Mr. Doyle; seconded by Mr. Dufromont. **Motion passed** 5-0, with Mr. Baker and Mr. Sbordone abstaining, as they had not been present for the initial hearing.

Public Hearing

Notice of Intent (DEP file 316-0802) (Continued from 5/12/2022 meeting)

Applicant: Ernest Rogers, Rogers & Company, Inc

Property Location: 33 Bigelow Road

Project Description: Demolish and reconstruct a single-family dwelling and associated site appurtenances within 'Previously Developed' or 'Degraded' Riverfront Area associated with West Chester Brook. Proposed construction access also will occur within BLSF, although no change in grade is proposed within BLSF. Erosion controls, stormwater management, and native landscape plantings are proposed to mitigate for the proposed work.

Richard Kirby appeared for the applicant. The Commission conducted a site visit on 5/19. The plan has been revised to incorporate changes requested by the Commission at the previous meeting and on site. Mr. Kirby reviewed the changes. Changes include modifications to the storm water system, driveway grading, the planting plan, and others. Additional discussion of plantings and potential re-use of some excavated material. Motion to close the public hearing by Mr. Donovan, seconded by Mr. Doyle, motion passed. Motion to issue an order of conditions, with Waltham's standard special conditions, by Mr. Doyle. Seconded by Mr. Donovan. Discussion of whether a special condition should be included to confirm with the city tree warden that the Commission approves of the removal of two trees from the driveway area. It was decided these minutes and the recording are adequate; no condition added. All present in favor. **Motion passed.**

Public Hearing

Notice of Intent (DEP file 316-0804)

Applicant: John McElroy

Property Location: 16 Samoset Lane

Project Description: Add a mud room and a two-story garage to existing single-family home.

Robert Bibbo appeared for the applicant. John McElroy was also present. Mr. Bibbo explained the project. Mr. Moser noted that the DEP sent a letter stating that this project did not meet riverfront area standards, but this is an error. Ms. Conlon confirmed that classifying the area as riverfront was an error (it is near an intermittent stream) and that this has been corrected with DEP. The majority of work is therefore outside of jurisdiction. The commission had a few questions, which the applicant answered. Motion to close the public hearing by Mr. Doyle, seconded by Mr. Baker. Motion passed. Motion by Mr. Doyle to issue an order of conditions with the standard special conditions; seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Commission Business

- Approval of meeting minutes from 5-12-2022. Motion to approve by Mr. Donovan, seconded by Mr. Dufromont. All present in favor. **Motion passed.**
- Storer Conservation Land Encroachment. No update.
- Rail Trail Environmental Monitoring. The Wayside Trail project, per DEP superseding conditions, requires an environmental monitor. The city Planning Director has asked if Ms. Conlon could take on this role. The DEP would accept this arrangement. This would use up to 25% of Ms. Conlon's time. Discussion of the pros and cons of the commission agreeing to allow this, including Ms. Conlon's other duties, safety issues in the trail area, and filling the role being the responsibility of other city agencies. The Commission decided that while this task is necessary to the city and would indirectly benefit ConCom, it would be a burden on Ms. Conlon's time and should be budgeted separately by the city. Mr. Moser will respond on behalf of the Commission.

Correspondence

- INFORMATIONAL: Eversource transmission tower replacement. No action.
- INFORMATIONAL: Woerd Ave boat launch area planting. No action.

Old Business

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Site Visit Reports

- Elsie Turner Field. At the mayor's request Ms. Conlon and Mr. Moser met with the Recreation Department to discuss what maintenance work is allowed under the existing order of conditions. Ms. Conlon has received the Operations & Maintenance manual for this project. She will meet with Adam Green on site in the near future to discuss specifics. Mr. Baker will try to attend the meeting, as he expects similar discussions and conditions will be needed at other city parks.
- Paine Estate. Mr. Baker and Ms. Conlon visited recently. Mr. Baker reported favorably on recent work at the property.

Committee Reports

- **CPC:** September 14, 2022.

New Business

- "Exempt minor activities" discussion. Mr. Moser noted that the Conservation office routinely sees inquiries that go through the RDA process, incurring expense for the applicant (minimum \$532 Globe advertisement fee), and wasted applicant and commission time, when it is clear a project will be approved. DEP has long recognized certain exempt minor activities which can skip the

RDA process (per 310 CMR 10.58(6)). Waltham does not currently have a consistent process to recognize and speed these projects. Mr. Moser recommended adopting such a policy. Two recurring types of projects are tree removal, which the commission almost always approves when 2:1 replacement will be made, and deck/patio/shed/pool projects (DEP exemption often applies). The commission agreed, but would like to have a written policy in place. Mr. Doyle noted this should include the commission's standard flood storage/permeability requirements for decks and reference DEP requirements. The commission supports this and plans to review and vote on such a policy, once created, prior to implementing.

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

Meeting adjourned at 8:58PM.