



Waltham Conservation Commission

July 7, 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 7:02PM.

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

Absent: Louis Andrews, Alexander Sbordone.

Public Meeting

Request for Determination of Applicability (Continued from 6-23-2022)

Applicant: Boston Gas Company

Property Location: Lexington Street right of way.

Project Description: Abandonment and replacement of gas mains along portions of College Farm Road, Lexington Street, Stanley Road, and Chesterbrook Road. Replacement main from Chesterbrook Road through northernmost section of Storer Conservation land to 655 Lexington Street (Kennedy Middle School).

Michael Toohill appeared for the applicant. Applicant staked the alignment 7/6, avoiding big trees. It is just on the edge of the property line, >100' from Chester Brook. They are planning a 4" line, but might be able to use a 2" line. Discussion. Question regarding easement needed with the city. Mr. Toohill stated this is being worked on. Ms. Conlon has visited since the staking and has no concerns about the alignment. Discussion of exact placement of line to simplify jurisdictional issues. Mr. Toohill stated it is being done this way to avoid private property and additional easements.

Motion by Mr. Doyle to issue a negative determination with the following conditions: (1) current plan documents presented in this hearing will be submitted and dated, for the commission's files; (2) applicant will provide an as-built plan upon completion of the project; plans to be submitted in electronic format using the state coordinate system and showing the wetlands jurisdictional boundary. Seconded by Mr. Donovan; all present in favor. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0805) (Continued from 6-23-2022)

Applicant: Robert Winn, City of Waltham

Property Location: Near 53 Trapelo Road

Project Description: Replacement of structurally deficient culvert at Trapelo Road over Beaver Brook. The culvert will be replaced in-kind and embedded with streambed material. Construction of a low flood storage wall is also proposed.

Diana Walden and Peter Reed of BSC present for applicant, also John Martino of the city Engineering Department. Ms. Walden addressed items that needed follow up from the previous meeting. Regarding Division of Marine Fisheries restrictions: Beaver Brook is not on their list of streams with restrictions. They have been contacted directly to confirm and a response is forthcoming. If restrictions are imposed, the project will apply for a waiver. Described changes to plantings and the proposed re-seeding mix. These changes have been noted in the updated plans. Regarding BMP and contingencies for slope stabilization: will be specified in the contract. Regarding Operations & Maintenance plan: the city will review and incorporate into the city-wide plan, with specific contracting as needed. The Commission is happy with the responses and this project as presented. Ms. Conlon recommended some minor changes to previously discussed conditions. The Commission then reviewed and finalized the proposed special conditions, built on Waltham and Belmont's conditions, to be issued jointly with Belmont. It was noted that Belmont has closed the hearing on their side, but has not yet issued conditions (Belmont is letting Waltham lead).

Mr. William Durette, 132 Mill Street, Belmont, spoke. He raised questions regarding upstream flooding potential in and adjacent to Beaver Brook Reservation. Mr. Reed and Ms. Walden fielded these questions and clarified that DCR has studied the plan and found no significant impact. The footbridges were a concern, and will not be flooded. The new culvert and wall will reduce flooding over Trapelo Road, and will have an effect lasting approximately 12 hours in the upstream area during a 100-year event. The project will not solve any current flooding problems outside the reservation, but will not add to them.

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 special (joint) conditions as discussed during the meeting. Seconded by Mr. Dufromont, all present approved. **Motion passed.**

Motion to hear a site visit item out of order by Mr. Doyle, seconded by Mr. Donovan. Motion passed. Mr. Moser recused. Mr. Doyle assumed the chair.

Regarding the Bentley Softball Field work (316-0762), Mr. Doyle noted that part of this project was to clean invasives and accumulated silt from a drainage swale; the approved work should have been greater to address the extent of the drainage issue and neglected maintenance. Mr. Martino described the site and additional work. The Commission concurred during discussion that not approving the full extent of cleaning at the initial hearing was an error, and agreed to allow work to continue beyond that initially specified. The Commission discussed what action should be taken and agreed that it would be acceptable to show the full extent of work in the as-built plans to be submitted at project completion.

Mr. Moser resumed as chair.

Regarding the Paine Estate survey, Mr. Martino noted that he was ready to schedule a site visit for the commission.

Meeting returned to the agenda.

Public Hearing

Notice of Intent (DEP File # 316-0806) (Continued from 6-23-2022)

Applicant: Andrew D'Alessandro

Property Location: 121 Edgewater Drive

Project Description: Construction of a seasonal dock for the private use of the homeowner. Prior to installation of the dock the emergent vegetation along the shoreline of the Charles River will be hydro-raked.

Paul Finger appeared for the applicant. Mr. Finger updated the commission on changes to the plan based on issues raised at the last meeting and a site visit by the commission. An addition would be restoring an eroded swale that now washes into the river. Discussed hydroraking plan, elevated access to dock, determination as limited project. Clarified that the new hydroraking area would be a maximum of 2,800 sq.ft. and probably less. Discussion of dock specifics and Chapter 91. Discussion of multiple hydroraking sessions and 5-year order of conditions. Mr. Dufromont recommended that hydroraking not begin at bank but 5' away, to maintain habitat. Applicant would agree to that. Mr. Baker recommended that rather than 4 shrubs of one species, shrubs should be of 4 different native species. Mr. Doyle requested clarification of dock design, for approval voting reasons, as applicant seemed to have not decided among dock alternatives. After discussion with commission, applicant agreed to use the raised walkway alternative, with no compensatory storage required. This aligns best with DEP's concerns. Mr. Moser presented some information and photos over time to clarify the ecology of the site and to note several concerns. He asked why, under the plan and justifications given, the applicant did not simply request to build a dock from the shore to beyond the reach of vegetation they desire to rake. Mr. Finger responded. Mr. Moser indicated that most concerns had been addressed since the previous meeting, and that he supports it in general, but he would vote against the project as currently designed because of the raking.

Mr. Donovan moved to close the public hearing; seconded by Mr. Doyle. Motion passed.

Mr. Doyle moved to issue an order of conditions with the following site-specific special conditions: (1) hydroraking will not be done within 10' of the shoreline; (2) applicant will plant 4 native shrubs; (3) the dock access will be elevated to minimize wetland area disturbance; (4) hydroraking will be allowed a maximum of 3 times in 5 years; (5) if the dock falls into disrepair, it will be removed. This order will be effective for 5 years. Seconded by Mr. Donovan. 4 votes in favor, 1 against. **Motion passed.**

Commission Business

- Approval of meeting minutes from 6-23-2022. Motion to approve by Mr. Dufromont, seconded by Mr. Baker. All present in favor. **Motion passed.**
- Storer Conservation Land Encroachment. Site visit proposed for 7/26, to confirm with Mr. Martino.

Correspondence

- 174 OPP Lakeview Ave – Enforcement action. Discussion of request by owner. Grinding the stump was not approved, because it goes against standard commission practice. Substitution of a disease resistant hybrid for one of the native specimens was approved.
- 20-AFT Demerest Street. This parcel had been recommended as a conservation trust fund purchase but the city was able to foreclose on it.
- Azalea Road drainage issue note from City Engineer. The commission discussed this, noting that this is entirely on private property. They do not feel the use of city resources is appropriate, although Engineering must approve the project and the work would be in Conservation jurisdiction. There is a known past encroachment issue in this location and previous fill by a property owner may be part of the cause of flooding. The commission will respond to the city engineer.
- MWRA tunnel test boring plan. Update and discussion. Based on additional information provided by MWRA, the commission has determined that this qualifies as exempt activity.
- Mr. Baker discussed recent destruction of West Chester Brook bank and vegetation at Piety Corner Club (2 Worcester Lane). Mr. Baker and Ms. Conlon will schedule a site visit and the commission will send a letter requiring replacement.

- Discussion of sale of 98 Lakeview Terrace, regarding open enforcement letter on current owner. Commission discussed responsibility of notifying seller, buyer, realtors. Commission determined to send certified letter reminding current owner of existing obligation.

Old Business

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Site Visit Reports

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Committee Reports

- **CPC:** Next meeting scheduled for September 13, 2022.

New Business

- Discussion to authorize Conservation Agent to sign off on development prospectuses. Mr. Doyle motioned to authorize this, seconded by Mr. Dufromont. Discussion. Mr. Moser explained the proposal, to prevent unnecessary delays on projects that are not in jurisdiction. Mr. Doyle noted that there is a document from the legal department (or elsewhere) stating that the commission must vote in a public meeting to authorize the chair to sign off on each of these. After discussion, the commission decided not to act on this motion until further clarification. The motion was withdrawn.
- Discussion of Fernald Stream daylighting project. Mr. Doyle reported on the current status and plans. The project is essentially done, but they are trying to get funding for additional invasive removal. Mr. Dufromont has also recently visited. Mr. Doyle recommended that he and Mr. Baker walk the site soon to identify specific invasive issues to assist the city with the operation and maintenance plan. Volunteer efforts would be very effective at this stage. They will work on this and report back to the commission.
- Discussion of and vote on request to the mayor to approve ConCom to continue remote meetings. Mr. Daly updated the commission on the current status: the Commonwealth's extension expires 7/15 and the legislature has not yet passed an additional extension (but one has been proposed). The Attorney General has authorized local executives to approve remote meetings for their boards and commissions and the city solicitor has circulated a memo noting that commissions can request the mayor to exercise this local option on a per board basis. The commission discussed this and Mr. Doyle moved to send a letter to the mayor asking for permission to continue meeting remotely. Seconded by Mr. Dufromont. All present in favor, **motion passed.**
- Election of Commission officers for 2023 budget year.
Mr. Doyle nominated that the current officers be re-elected: Chair-Moser, Vice Chair-Doyle, Secretary/Clerk-Dufromont, CPC Seat-Doyle. Mr. Baker seconded the slate of nominations. All current officers accepted. Mr. Moser stated that he would likely step down as chair after the 2023 term. All present voted in favor. **Motion passed.** All Commission officers will continue in current positions through June 30, 2023.

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

Meeting adjourned at 9:40PM.