



**Waltham Conservation Commission  
September 15, 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 7:02 PM.

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

**Absent:** Michael Donovan

**Development Prospectus Sign Off**

- 1362 Main Street. Michael Connors appeared for the property owner. Mr. Connors described the project. Motion authorizing the Chair to sign off on behalf of the Commission by Mr. Doyle, seconded by Mr. Andrews. Discussion of exact location and jurisdictional boundaries, specifically regarding the previously unmapped wetland near 1432 Main Street. Clarification was received and the commission agreed that this is not in jurisdiction. All present in favor. **Motion passed.** The office will schedule a physical sign-off with Mr. Connors.

**Public Hearing**

**Notice of Intent** (DEP File # to be assigned) (Continued from 9-1-2022)

**Applicant:** Keir Evans – 1265 Main Street LLC C/O Boston Properties

**Property Location:** 1265 Main Street

**Project Description:** Development at 1265 Main Street. Phase I consists of 270,000 sq.ft. of lab/office space, two amenity buildings totaling 22,400 GSF, 685 surface parking spaces, access drives, utility improvements, ancillary landscape/pedestrian improvements, and site preparation for anticipated future development.

Mr. Moser recused and Mr. Doyle assumed the chair.

Applicant present as well as Nick Skoly and Taylor Donovan of VHB. Mr. Evans described the project in detail. Five phases of the overall project are expected, this would be Phase 2. This is the northern portion adjacent to the 'Market Basket' retail site, about 45 acres of a total approximately 95-acre site. The application is for the first of an anticipated 5 lab and research buildings, about 270,000 sq. ft. of a planned total of 1.1 million sq. ft., and would include amenity buildings and overall site preparation. The site has constraints due to the Eversource transmission line easement on the east and wetlands on the west. They plan to build vertically in a limited area and place parking below ground. The "Third Avenue Extension" will be developed to provide improved emergency access. Ms. Donovan explained the wetlands considerations. She showed the state of the wetlands, including a National Grid pipeline through much of the intermittent stream channel. She also noted the delineated wetlands to the northeast, which will not be affected by this project, and to the southeast, where proposed stormwater structures would have impact. Mr. Skoly described stormwater issues, including previous (2017) MEPA permitting. This proposal would be within that permitting. Stormwater work in

this phase is designed to accommodate all future development at this site, as it would be impractical to do the work (blasting, utilities, etc.) for each later phase as developed. Site conditions do not allow for infiltration, so drainage is to the lower (Phase 1) site. The Third Avenue Extension will include a bridge to cross the wetlands with no wetland impact. There will be significant blasting on the site. They have been working with Cambridge Water Department regarding invasives, de-icing, and so on but have not finalized details.

The public hearing cannot be closed because the project does not yet have a DEP number. The commission will also make a site visit before making any decisions. Mr. Dufromont had some clarifying questions about the access roads, parking, and stormwater management, which were answered.

Jamie O'Connell of Cambridge Water Department summarized CWD's concerns, which center on the Zone A public water supply designation for drainage, which is being reviewed with DEP. The Third Ave Extension is also of some concern, specifically regarding the state of the wetlands in that area, also the parking de-icing treatment. Zone A status will need to be resolved before Waltham ConCom can make a determination.

Mr. Doyle asked for clarification on drainage flow and structures downstream of the full site, which Mr. Skoly and Ms. O'Connell were able to describe. Flow is along the west side to route 117 then is off-site and out of the scope of this project.

Paul Pavone, representing a local labor union, spoke in support of this project for the jobs it will provide.

Speaking as a member of the public, Mr. Moser noted the wetlands to the northeast of the project and asked that they be marked and included on the project plan. Regarding the cliff in this area, he pointed out erosion and a falling hazard with the fence above. This was brought to Mr. Evans' attention about 1½ years ago hoping that something would be done. He also noted that the trees nearest the cliff have died back. As this is a difficult area to work in, he suggested that a land swap might somehow be done between this owner and the city of Waltham to allow for beneficial improvements for all involved. He noted that the building department, which has jurisdiction over safety, could be notified if safety issues are not addressed. Mr. Skoly noted that the property is owned by another party, and would relay this to them. Mr. Evans said that this would be addressed. Motion to continue by Mr. Baker, seconded by Mr. Sbordone. **The motion passed.** The commission tentatively scheduled a site visit with Mr. Evans for 9/27 at 9AM. Ms. O'Connell/CWD will be included.

Mr. Moser resumed as chair.

## **Public Hearing**

**Notice of Intent** (DEP File # 316-0810)

**Applicant:** Jeff Smith / 404 Wyman LLC

**Property Location:** 404 Wyman Street

**Project Description:** Overhead repair of windows on an existing pedestrian bridge spanning a Bordering Vegetated Wetland. Temporary impacts to wetlands are proposed for footings associated with scaffolding required to perform the work.

Jim White of H.W. Moore appeared for the applicant. Also present: David White, project engineer; David Cowell, wetland scientist. Mr. J. White described the project and site conditions. Mr. Cowell described the wetlands considerations. Impact will be temporary and limited to footings for the scaffolding. Based on past experience, he recommends only monitoring and reporting, with mitigation only if required. Mr. Cowell confirmed that the footings will be on the surface, not dug in. Mr. White confirmed that the windows will not be replaced, only resealed/re-caulked. Based on the quality of an earlier project, Mr. Moser expressed confidence in the applicant. He noted that some pruning might be involved and that this should be approved. He suggested that invasive management should also be approved on the site. Mr. Cowell agreed that this could be done. Motion to close the public hearing by Mr. Baker, seconded by Mr. Dufromont. Motion passed. Motion by Mr. Doyle to issue an order of

conditions, to include the invasive management condition that was discussed; seconded by Mr. Dufromont. All present in favor. **Motion passed.**

## **Public Hearing**

**Notice of Intent** (DEP File # tba)

**Applicant:** Curtis Beaton / Heles Irrevocable Trust

**Property Location:** 326 Lexington Street

**Project Description:** Work proposed consists of construction of two single-family houses, driveway modifications to the existing building, Riverfront Area restoration and plantings, and associated site work.

Applicant, attorney Matt Watsky, Paul McManus of EcoTech, and James Emmanuel (landscape architect) present. Mr. Watsky explained the project and DEP concerns on a previous filing (withdrawn). He explained the DEP regulations regarding riverfront and standards for improvement of a degraded area and that this project meets the standard. Mr. McManus presented current site photos and proposed plans.

Extensive discussion. Mr. Dufromont raised the question of this being one lot or 3 and how the regulations might apply differently before or after subdivision. Mr. Doyle asked for clarification on this point. Mr. Watsky provided an interpretation of the regulations stating that the standard for improvement to degraded area supersedes here. He noted that any conditions applied would continue to apply to any subdivided lots. Applicant's representatives state they are not trying to hide anything or abuse a loophole: the current one lot / potential future 3 lots issue is not relevant and the lot must be looked at as it exists at this time. Mr. Sbordone asked specifically if the potential new lots would meet current regulations. Mr. Watsky reiterated that only the existing lot and conditions should be considered. It was noted that all plans and calculations assume the current single lot, and an entirely different set of calculations would need to be done for 3 lots; this has not been done because it is not 3 lots today. Mr. Watsky cited regulations justifying the conditions used for this filing.

Mr. Doyle asked if 3 houses could be built on a single lot in Waltham. The applicant does not believe so. Mr. Moser noted that DEP guidance is that it is reasonable for local Conservation Commissions to issue conditions based on consistency and coordination with other permitting bodies (i.e.: building department) to ensure that all reviews are of the same plans and meet local regulations. The plan to have 3 houses on a single lot may not be consistent with this. Mr. Watsky suggested the commission discuss this with the city solicitor. Discussion moved to the landscape plan and tree cover. Mr. Moser noted that he had previously asked for specifics on before- and after- tree counts and tree canopy area and that this has not been provided. He expected that the commission would not make a decision until this information is provided. Additional discussion of degraded definition as well as real vs. on-paper improvements. Mr. McManus offered to host another site visit.

Motion to continue to the 10/6 meeting by Mr. Doyle, seconded by Mr. Dufromont. **Motion passed.**

Mr. Watsky requested that the commission office work with him on agenda order, as he has a possible conflict on that date.

## **Informal Discussion**

Robert Winn, City of Waltham Engineering Department. Regarding the Azalea Road drainage project.

Mr. Winn had requested the commission's input on whether and how permitting for this potential project should be filed. He presented site details and conditions and some history. Mr. Winn and the commission discussed past work in the area and possible options. Commissioners were of the opinion that Wetlands Protection Act regulations would likely bar most work at this site, although some remediation up- or down-stream might be more allowable. As the site is private property, the owners would need to file as applicant(s). Mr. Dufromont suggested visiting the site with Mr. Winn.

## **Site Visit Reports**

- Fernald stream daylighting. Mr. Moser gave an abbreviated update on the conditions, which are good despite the drought.

### **Commission Business**

- Approval of meeting minutes from 9-01-2022. Motion to approve all minutes by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Mr. Doyle moved to suspend consideration of the rest of the agenda until the next meeting and adjourn. Seconded by Mr. Sbordone. **Motion passed.**

Meeting adjourned at 9:35 PM.