



**Waltham Conservation Commission**  
**March 16, 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 7:04 PM.

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

**Absent:**

**Development Prospectus**

- 200 Smith Street. Phil McCourt, Brian Grisaru, Brandon Li present for applicant. There is already an Order of Conditions for this project, issued January 2022. Mr. Grisaru summarized the reason for this appearance: it is a combination of a reduction of work and the need for sign-off for city permits. Mr. Li presented the plans to explain and highlight specific changes. Regarding the development prospectus sign-off for the special permit, the commission agreed to do this. Regarding the changes to work, the commission feels the changes are beneficial, but requested that the applicant follow the standard process to receive an amended order of conditions (including abutter notification and public notice). The applicant agrees. Motion from Mr. Doyle to approve sign-off. Discussion. Seconded by Mr. Dufromont. All present in favor. **Motion passed.**
- 0 Hall Street. Ron Cincotta present for applicant. The property is the old St. Charles Borromeo church, being converted to housing units. The property is outside wetlands jurisdiction. Motion to approve sign-off by Mr. Donovan, seconded by Mr. Doyle. **Motion passed.**

**Public Hearing**

**Notice of Intent** (DEP File # 316-0812) (Continued from 03-02-2023)

**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 lab/office space building, two amenity buildings, surface parking, access drives, utility improvements, landscape/pedestrian improvements, and site preparation for anticipated future development.

Mr. Moser recused; Mr. Doyle assumed the chair. Mr. Evans, Nick Skoly (VHB), Jamie O'Connell (CWD) present. Mr. Evans summarized developments over the past several months. DEP classification of Zone A area on this site led to additional requirements. He covered sewer improvements. He covered agreed upon on- and off-site mitigation program with Cambridge Water Department. Mr. Skoly presented revised (current) plans showing changes. Of note is a new media filter for phosphorous. He noted the area of the larger study for CWD (ponds at 128/20 interchange).

Approved 4-06-2023

Ms. O'Connell spoke on behalf of CWD and provided details of 5 special conditions proposed by CWD for incorporation into Waltham's order of conditions. The applicant accepts these conditions, as they were developed in coordination with CWD. Discussion of conditions. Focus turned to the time frame for the hydrologic study, which is largely contingent on DEP permits for access to the location. Mr. Evans suggested 3 months for the memorandum of understanding between applicant and CWD; other milestones contingent. Mr. Doyle suggested a simplified 9 month overall time frame, and to allow applicant to request an extension should it be needed. Planting plan briefly discussed. Motion to close the public hearing by Mr. Donovan, seconded by Mr. Dufromont. Motion passed. Motion by Mr. Baker to issue an order of conditions to include the CWD conditions, as amended during the discussion (9-month time frame and extension request ability). Seconded by Mr. Dufromont. All present in favor. **Motion passed.**

## **Public Meeting**

### **Request for Determination of Applicability**

**Applicant:** Paul Murphy

**Property Location:** 36 Kingston Road

**Project Description:** Regrade rear of lot, cap with loam, reseed and add plantings. Approximately 2,400 sq.ft. within buffer zone.

Mr. Moser resumed as chair. Mr. Murphy described the project. It would involve grading to the rear of the property line and moving a fence. Discussion. Mr. Moser suspects the work might be significant. Mr. Dufromont asked for clarification of the wetland area and noted the fence gap requirement. He would like a site visit. Mr. Baker noted that stumps of cut trees would need to remain. Mr. Baker and Mr. Donovan also favored a site visit. Mr. Donovan referenced previous work by mosquito control in this area. Mr. Doyle also wanted more clarity on the existence, or not, of wetlands in this area. The commission could determine, or the applicant could hire a wetlands scientist. Mr. Andrews asked for clarity on the type of pool (inground) and the need for fencing for safety. Mr. Moser noted that the standard fence gap (6") is usually reduced to 4" in a case like this. Discussion of invasive removal and WPA regulations regarding the removal/replacement of native trees. A site visit was scheduled for Monday 3/20 at 7:30 AM.

Motion to continue to next meeting by Mr. Doyle, seconded by Mr. Dufromont. **Motion passed.**

## **Public Meeting**

### **Request for Extension Permit for Order of Conditions (DEP# 316-0552)**

**Applicant:** City of Waltham CPW

**Property Location:** Hardy Pond

**Project Description:** Ongoing treatment of Hardy Pond.

Emily Vulgamore present for applicant. Ms. Vulgamore was having audio connection difficulties. Motion to table this item by Mr. Donovan, seconded by Mr. Baker. **Motion passed.**

## **Public Meeting**

### **Request for Certificate of Compliance (DEP File # 316-0775)**

**Applicant:** Cardillo Development Corporation

**Property Location:** 129 Lakeview Avenue

Robert Bibbo present for applicant. He noted some as-built changes that varied slightly from the approved plan. Mr. Moser reminded the commission that the site did not contain buffer zone: the only jurisdictional area is bordering land subject to flooding. The only issue for the commission was ensuring that no fill was added.

Motion to issue certificate of compliance by Mr. Donovan, seconded by Mr. Doyle. All present in favor.

**Motion passed.**

Mr. Moser noted that the commission has recently been contacted by a prospective buyer for this property regarding possibly expanding the basement. Mr. Bibbo confirmed that any expansion that can be done on this lot probably has been done and that he has told this to the potential buyer.

**Public Meeting**

**Request for Certificate of Compliance (DEP File # 316-0495)**

**Applicant:** AstraZeneca

**Property Location:** 35 Gatehouse Drive

Eric Olson of VHB presented for the applicant. Mr. Olson noted that this is an old project (2003) which never had a certificate of compliance issued. He summarized the project quickly and noted issued conditions. The work had to do with the pond. This RCOC is being made because the property has been sold and the new owners discovered the oversight. Discussion. Commission members have been at this site recently and are familiar with site conditions. They believe all previous conditions have been met. Mr. Doyle noted that the new owner should be notified that all previous in-perpetuity conditions have been inherited.

Motion to issue the COC by Mr. Doyle, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

**Public Meeting**

**Request for Certificate of Compliance (DEP File # 316-0138)**

**Applicant:** AstraZeneca

**Property Location:** 40 Sylvan Road (now 35 Gatehouse Drive)

Eric Olson of VHB presented for the applicant. As with the previous project, this is very old (1986). The project predates anyone currently involved with the site, and in fact predates subdivision of the site. Work related to drainage system improvements and a parking lot. Discussion. Motion to issue COC by Mr. Donovan, seconded by Mr. Doyle. All present in favor. **Motion passed.**

Motion to take the **Hardy Pond permit (316-0552) extension request** off the table by Mr. Doyle, seconded by Mr. Dufromont. **Motion passed.**

Ms. Vulgamore of SOLitude Lake Management presented on behalf of the applicant (Waltham CPW). Ms. Vulgamore briefly summarized the history, success, and status of this ongoing project, as well as work planned for the near future. The project was first conditioned in 2006 and has received several 3-year extensions [The permit expiration date is out of alignment due to the OOC being tolled 462 days during the COVID state of emergency.]

Mr. Moser asked the applicant to discontinue using copper-based herbicides, and stated this should be made a condition of continued extensions. Discussion of treatment/removal of invasives vs. native plants that have become a nuisance. It was clarified that while the plan allows for treatment of natives, no such treatment has been done recently (at least in the previous year). No algae treatment was done in the past year. Discussion of treatment timing, copper effects and concerns. Mr.

Dufromont raised concerns over the city's/CPW's contract approval process; he feels there is not enough resident input. Discussion of whether or not the Hardy Pond Association or ConCom should have more involvement. Mr. Baker noted that if algicide was not needed this past year, when drought conditions would likely have increased any algae problem, then it is unlikely that treatment is needed. Mr. Donovan asked about this year's treatment dates, specifically after the mild winter. Ms.

Vulgamore noted April 12 & April 26 as evaluation dates and May 10 as the likely first treatment date. Discussion.

Motion by Mr. Doyle to issue a 3-year Extension Order of Conditions, with the condition that copper-based treatments not be used. Seconded by Mr. Dufromont. Discussion, friendly amendments. The additional conditions are noted as:

- 1) No copper-based treatments will be used, now or in the future;
- 2) No algicides will be used during this treatment year (2023), and the applicant will request permission to use algicides in the future from the Commission;
- 3) Native vegetation will not be included in the treatment plan this year (2023), and the applicant will request permission for such treatment in the future from the Commission;
- 4) Applicant will include the above conditions (1), (2), and (3) in future contracts for this project.

The commission recognizes that these conditions are voluntary on the applicant and encourages the submission of a request for an Amended Order of Conditions or a full new Notice of Intent when this extension expires. All present in favor. **Motion passed.**

### **Commission Business**

- Approval of meeting minutes from 03-02-2023. Motion to approve by Mr. Donovan, seconded by Mr. Andrews. Mr. Moser noted several minor changes made since the draft was first circulated. Motion passed.
- Approval of minutes of executive session 2-16-2023. Motion to approve by Mr. Donovan, seconded by Mr. Dufromont. Motion passed.

### **Correspondence**

- Engineering Department report on emergency sewer work at the Fernald noted.
- Start of MWRA test excavation on Linden Street / Waverley Oaks Road noted.
- Receipt of City of Waltham yearly operational plan (YOP) for herbicide treatment along rights-of-way noted.
- Receipt of Keolis 2023 YOP for vegetation management noted.
- Receipt of revised site plan for 98 Lakeview Terrace (316-0789) noted.
- Mr. Daly noted receipt of a complaint of snow being trucked in and melted into Beaver Brook wetlands by Antico Snow Removal (Clematis Ave). They were sent a letter November 2022 regarding a previous complaint. There is no record of a response. Commission office will follow up.

### **Old Business**

- 

### **Site Visit Reports**

- 

### **Committee Reports**

- **CPC:** Meeting March 14, 2023. Mr. Doyle noted approval of the purchase of 0 Prospect Hill Road by the city.

### **New Business**

- 

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

Meeting adjourned at 9:05 PM.