



Waltham Conservation Commission

April 6, 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 7:02 PM.

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

Absent: Bradley Baker, Alexander Sbordone

Public Meeting

Request for Determination of Applicability (continued from 3/16/2023)

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. Murphy was present. Mr. Donovan summarized the findings of the recent site visit, with photos. Discussion of site conditions and proposed work. Clarified with applicant that the work would require approximately 258 cu.yd. of fill (9-12 truckloads). Mr. Moser specified the commission's charge and responsibility under the WPA, including fill and alteration oversight. This site is not in a mapped floodplain, but this still applies. He anticipated this application, as-is, would receive a positive determination and need to move to an NOI. He suggested some invasive or dead vegetation removal and replacement, or a much more restrictive scope of work, might receive a negative determination. Discussion of alternatives and allowable work with applicant. Mr. Doyle agreed that fill as well as structures (including retaining walls) would require an NOI. He expanded on explaining the rationale for the notice of intent process. He noted that the Engineering Department should also be aware of proposed fill here, as despite not being designated floodplain this area has known concerns. Discussion of issue of abutting property permissions. Proposed work would cross property lines so neighbors would need to be on any application, as determinations are made based on property and deeds, not individuals. Mr. Dufromont noted that work would be close to the stream and that the plans provided do not specify enough detail to confirm that the stream is being protected. Discussion of making a determination vs. withdrawing this application vs. moving to an NOI. **Applicant chose to withdraw the application.** Discussion of what constitutes "fill" – any material that changes the topography. Noted that simple landscaping improvement and maintenance in line with typical homeowner activities would not be a problem. Discussion of fence requirements and allowances.

Public Hearing

Approved 5-11-2023

Request for Amendment to Order of Conditions (DEP File # 316-0796)

Applicant: Brian Grisaru, King Street Properties

Property Location: 200 Smith Street

Project Description: Addition to existing building, addition to parking garage, parking lot expansion. Reduction of approved work.

Mr. Grisaru and Brandon Li of Kelly Engineering were present. Mr. Grisaru gave a brief summary, noting that the changes result in much less impact than the approved project. Mr. Li provided details. Fewer parking spaces, approximately 10,000 sq.ft. less pavement/impervious including 1,800 sq.ft. less in buffer. Same amount of stormwater treatment. About 40 trees were to be removed, this has been reduced to one tree. Parking has been moved underground. Mr. Donovan asked, and Mr. Li confirmed, that all documentation required for the amendment has been submitted. The exception was explicit documentation of the change to tree removals; Mr. Li will revise the amendment request letter to include this.

Motion to close the public hearing by Mr. Donovan, seconded by Mr. Doyle; motion passed. Motion to amend the OOC by Mr. Doyle, seconded by Mr. Andrews. All present in favor, **motion passed**. Brief procedural discussion regarding amended OOCs. Confirmation that no additional site-specific conditions were included in the original order (only Waltham's standard special conditions).

Public Meeting

Request for Determination of Applicability

Applicant: Sandip Patel

Property Location: 314 River Street

Project Description: Removal of underground storage tank (UST). Backfill and repave excavated area.

Lori Macdonald and Jonathan O'Brien of Coneco present for applicant. Ms. Macdonald summarized the site conditions and planned tank removal work. Clarification of extent and location of historical work and planned work. Anticipated to take 1-2 days total. Sedimentation controls to be installed, also catch basin protection if site conditions call for it. Any hazardous materials discovered will be reported to the state, as required. Mr. Doyle noted that the jurisdictional boundaries were drawn incorrectly on the plan, although this would not matter to the project under discussion. Mr. Dufromont asked for and received confirmation of excavation material handling. Mr. O'Brien clarified the state regulated process if hazardous materials are discovered. Discussion.

Motion to issue a negative determination by Mr. Doyle, seconded by Mr. Dufromont. All present in favor, **motion passed**.

Public Meeting

Request for Determination of Applicability

Applicant: Brian Charville

Property Location: 1432 Main Street

Project Description: Construction of commercial building, driveway access, stormwater management, and associated grading. All work to be outside buffer zone and bordering vegetated wetland.

Mr. Charville and Mark Arnold of Goddard Consulting present for applicant. Mr. Arnold summarized site conditions and noted enforcement action (2021) at this site related to previously unmapped wetland in the southeast corner, as well as an area found to the west during inspection, which was determined to be related to drainage and ruled non-jurisdictional. This application would confirm non-jurisdictional area, where work is planned. No work is planned in buffer zone or wetlands. Discussion.

Mr. Arnold showed the replanting plan and photos of restored area in progress. Clarification by Mr. Charville that there will be 2 levels of parking below the new structure (which will have 5 levels of office/lab space). Mr. Moser described and clarified the non-jurisdictional area. Mr. Goddard added information. Jamie O'Connell of CWD was present and accepted the determination that this area is not a connected wetland and is non-jurisdictional. Mr. Goddard noted that the plans include additional storm water management. They have looked for connections to other wetlands and ponds in the vicinity and have not been able to find any.

Motion to issue a negative determination by Mr. Donovan, seconded by Mr. Doyle. All present in favor. **Motion passed.**

Public Meeting

Confirmation of Emergency Certification (issued 4-03-2023)

Applicant: City of Waltham Engineering Department

Property Location: 203 Prospect Street / Mt. Feake Cemetery

Project Description: Emergency repair of failed sewer service from cemetery office building to sewer main. Replace water service as needed to access and replace sewer service. Risk of sewage overflow to Charles River if not immediately addressed.

Ian McKenzie of the Waltham Water & Sewer Department gave a report on the need for this work and the current status. Photos of the work area. The commission requested that a tree which had to be cut down to access the sewer line be replaced.

Motion to affirm the emergency certificate by Mr. Doyle, seconded by Mr. Dufromont. All present in favor, **motion passed.**

Commission Business

- Approval of meeting minutes from 03-16-2023. Motion to approve by Mr. Dufromont, seconded by Mr. Donovan. **Motion passed.**

Correspondence

- City of Waltham filing for a Superseding Order of Conditions with DEP (Fernald Phase I, DEP 316-0814) noted.
- Resident inquiry about tree removals at the Lyman Estate. This was approved removal of invasive Ailanthus.
- DEP correspondence regarding report of "oil sheen" in Beaver Brook Reservation (natural activity) noted.
- Weston ConCom correspondence regarding 1486 Main Street / Waltham (40B project). Waltham has no wetland mapped at this location.
- Extension of current remote meeting rules by Governor Healey to the end of March 2025 noted.
- Cambridge Water Department report of possible violations in wetland area at 360 Second Avenue. Mr. Dufromont volunteered to make a visit.

Old Business

- Mr. Moser returned to a recent potential violation on Grove Road or Plant Road reported by the Building Department. Mr. Donovan noted that this appeared to be dumping of construction debris at the site. He would like to take a look before making any decision.
- Paine Estate (Mr. Moser). The commission had recently approved Mr. Baker and Mr. Moser to perform some invasive removal work in the former apple orchard. They have removed at least 26 Ailanthus to date. The removals are anticipated to help existing native and cultivated trees and the overall health of the site. Related: Mr. Donovan noted that he has been trying to meet

with the new staff person at Paine Estate but has so far been unable to meet with her. She should be kept informed of the Wisteria project, the Ailanthus removals, signage plans and work, and any other project there. Mr. Donovan will continue to reach out. Mr. Donovan asked about the Paine Estate RFP plan, which is on hold but still expected to move forward with the allocated CPC funding.

New Business

- Mr. Moser noted some recent efforts at the Mokema/Seminole property and requested that the commission authorize a volunteer effort to remove a few invasive trees (Black locust) from the path. He and Mr. Baker will take the lead. Mr. Dufromont offered to assist. This will be done on 4/29. Neighbors will be notified and signs posted. The commission approved.

Site Visit Reports

-

Committee Reports

- **CPC:** Next meeting is scheduled for April 11, 2023. No applications at this time.

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

Meeting adjourned at 9:05 PM.