



Waltham Conservation Commission

April 27, 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, Bradley Baker, Louis Andrews, Alexander Sbordone.

Absent: Michael Donovan.

Fuel Storage License Application sign off

- 840 Winter Street. Item is on agenda for review because a location designated for fuel storage shows as wetland buffer zone. Developer has asserted this is an error and this is a stormwater feature/fire pond, previously determined. Conor Nagle of VHB present for applicant. Mr. Nagle summarized. Mr. Dufromont had questions about tank design and spill protection, which Mr. Nagle answered. Applicant is in contact with CWD. The commission accepted that this area is not in jurisdiction. Motion to authorize sign-off by Mr. Sbordone, seconded by Mr. Dufromont. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # 316-0816)

Applicant: Bubchull Kim

Property Location: 171 Copeland Street

Project Description: Construction of 80 sq.ft. and 598 sq.ft. additions to the rear of the dwelling. Drainage concerns will be addressed by constructing a rain garden.

Tony Esposito present for applicant. Mr. Esposito summarized the project. Stormwater from the property flows into the city-owned wetland at 1433R Trapelo Road. The project will add a rain garden to interrupt and filter flow. Mr. Dufromont asked about the specific landscaping plan. There is none yet, but the rain garden uses DEP-recommended plans and will use listed plants. Commission comments were favorable. Mr. Moser noted that single family homes are exempt from stormwater requirements in any case, so that feature is above and beyond.

Motion to close the public hearing by Mr. Doyle, seconded by Mr. Andrews. Motion passed.

Motion by Mr. Doyle to issue a positive order or conditions with no additional conditions; seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Public Meeting

Request for Determination of Applicability (1 of 2)

Approved 5-11-2023

Applicant: Piety Corner Club

Property Location: 2 Worcester Lane

Project Description: Replacement of dead red maple. Seeking approval to continue historical ongoing maintenance practices of area along West Chester Brook.

Mr. Baker recused due to a past business relationship. Mr. Baker left the meeting.

Mr. Moser noted for the public and the record that the commission recognizes that it did not handle all interactions with this site correctly. A commission member should have recused, a site visit was made without the owner's involvement, and an issued letter from the commission did not follow existing procedure. The commission apologizes and hopes to correct these issues tonight and thanks the applicant for their willingness to appear in the interest of following the wetlands protection act.

Mr. Doyle noted the unusual nature of 2 RDAs. Mr. Moroney explained the rationale. Mr. Daly noted that this has been discussed with DEP and that, while unusual, it is allowable.

Brian Moroney present for applicant. He explained the historical issue of the city flood control project (316-0674, 2014) and the maple tree. Explained previous site conditions and June 2021 cutting/ongoing landscape maintenance. He asserted that the fire department considers the lower level's windows to be emergency exits which need to be kept clear. Mr. Dufromont asked about dumping into the stream. Mr. Doyle asked about original conditions from the 2014 filing. Mr. Doyle highlighted the purpose of the RDA process within WPA regulations and how they would apply in this case, with reference to the earlier NOI and OOC. Mr. Moroney had the conditions available to reference. Mr. Moser highlighted that mowing existing lawn is exempt, but the previous destruction of other vegetation there is clearly an alteration under the regulations and therefore a violation, which was the justification for the proposed enforcement action. He noted that the building itself predates the WPA. He feels the issue here can be reduced to plantings on the bank to control erosion. Discussion, including who was the original applicant (City of Waltham), historical Piety Corner Club concerns with plans and construction, and other points dating to 2014-15. Assertions by Mr. Dufromont and Mr. Doyle conflict with those of Mr. Moroney. Mr. Doyle returned the discussion to the issue before the commission. Discussion of existing enforcement order for removing vegetation in a resource area to which the applicant responded. Mr. Moser suggested the discussion focus on corrective restorative action. Restoration plantings were discussed; agreement upon 1 shrub per 6'. Area was determined to be 48 linear feet, 9 shrubs to be planted. Blueberry was suggested, but not stipulated: native stipulated. Noted that no formal enforcement order was ever issued, only a letter of potential enforcement. The RDAs were submitted to clarify the situation.

Mr. Doyle moved to issue a negative determination with the conditions to plant 9 native shrubs of at least 2 different species, in the location discussed, and that the shrubs be maintained to prevent overgrowth. Seconded by Mr. Andrews. Discussion. Mr. Dufromont felt approval ignores the original violations and recommended the commission hold off on voting to research the project files. Mr. Doyle stated that any approval at this time would be limited and specific and any further work would require a notice of intent. Mr. Moser called for a roll-call vote. Mr. Doyle: Yes. Mr. Andrews: Yes. Mr. Sbordone: Yes. Mr. Dufromont: No. Mr. Moser: Yes. **Motion passed.**

Public Meeting

Request for Determination of Applicability (2 of 2)

Applicant: Piety Corner Club

Property Location: 2 Worcester Lane

Project Description: Vegetation management of trees and shrubs to include: removal and 1:1 replacement of approx. six trees; trimming and/or removal/replacement of trees hanging over neighboring house; and trimming or removal of invasives. To follow submitted Tree Trimming, Cutting and Replanting Plan. No soil disturbance is proposed. Erosion controls to be installed.

Mr. Moroney explained the request and showed the proposed plan. It primarily includes selective cutting of an overgrown area where trees are overspreading the building. There would also be work at the western and southern edges of the site. 1:1 replacement of removed trees will be made. He noted that some of this maintenance has not been done for approximately 30 years. It would be maintained by their landscaper moving forward.

Mr. Doyle noted that the proposal seems to disturb a small plot of naturalizing forest to transform it into a landscaped area. Mr. Moroney said they would be amenable to leaving the ground cover and surface in place except for a small area near Bacon Street. Mr. Doyle highlighted the distinction in what is allowed in an RDA vs. NOI. Mr. Dufromont asked for clarification of tree trimming/removal/replacement markings on the plan. Mr. Moroney said they would grind stumps to ground level and cited concerns over ants. Mr. Doyle displayed a recent photo of the area which clarified many details of existing conditions and proposed work. Mr. Dufromont suggested the applicant extend the height of the granite on the bank; Mr. Moroney said this could be done. Mr. Dufromont's concern is avoiding stormwater flow and debris motion into the stream. Mr. Doyle stressed that stumps cannot be ground or removed below ground level. Erosion controls were discussed. Mr. Dufromont told the applicant to notify the office prior to beginning work so that commission members have an opportunity to observe. Mr. Moser expressed approval of the proposal. He noted that 2:1 replacement is the commission norm, but 1:1 makes sense under the site conditions, with an expectation of replanting if initial replacements do not survive. He suggested smaller trees, down to 1" caliper, would be acceptable in this location. Species variety would be expected, but applicant would determine specifics.

Motion by Mr. Doyle to issue a negative determination with conditions to include: diversity of species in plantings, straw wattles for erosion control, add a layer of granite, no clippings in stream, trimming of trees to be limited to 20% of canopy (excluding trees to be removed and any that are a threat to the structure; one additional small tree to be replanted for each tree pruned at > 20%). Seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: 154 Calvary Street Property LLC

Property Location: 154 Calvary Street

Project Description: Renovation in previously developed riverfront area. Work is primarily within existing structure footprint and existing parking area, with minimal disturbance required for fence replacement and ADA access improvements. Mulched path proposed to connect to DCR Riverwalk. Stormwater management improvements. No increase to impervious area.

Scott Doty of John G. Crowe Associates and Brian Robert Iammartino of BTCRE (applicant) present. Mr. Iammartino introduced himself and his firm and gave a summary. This is a renovation project. The building has two "green tech" tenants lined up. Mr. Doty walked through the specifics of the project. A sliver of the site is within 100' of the river, about half of the site is in the 200' riverfront area. It is all previously developed and impervious. An accessible parking space will be added to the rear, in existing pavement. Entire site drains to north (toward the river). They will add a treatment structure for sediment from the parking lot. Have already submitted to Engineering Department. Mr. Dufromont asked about replacement or repair of the fence, and making it compliant with a 6" gap. On discussion, the commission felt this could be exempted as there is no wildlife passage activity in this area. Snow storage discussed. It will move from rear to front because of the accessible space. Mr. Dufromont asked about materials storage; Mr. Iammartino explained that the interior work has largely been completed and materials have already been removed. The roof has also been replaced and waste removed. Mr. Doyle noted potential future permitting concerns triggered by changes to the storm

water system, which Mr. Doty was aware of.

Mr. Doyle moved to issue a negative determination with no conditions, seconded by Mr. Dufromont. All present in favor. **Motion passed.**

Commission Business

Correspondence

- Litter report along DCR riverwalk and DCR notification noted.
- Upcoming National Grid maintenance work on the gas main on the Elm Street bridge noted.
- Receipt of updated Brandeis Grounds Management Plan acknowledged. Mr. Dufromont reported that Brandeis has put off the recently discussed tree planting until later this year, to improve survival.
- Temple Beth Israel fundraiser for a community “Tree School” noted.

Old Business

- Invasive management at Seminole/Mokema scheduled for 4/29. Abutting residents have been notified and signs posted. Dependent on weather, might be postponed.

Site Visit Reports

- 360 Second Avenue – Mr. Dufromont. Discussed with property manager, who will resolve as soon as possible. Will visit again to confirm.
- 98 Lakeview Terrace – Mr. Doyle. Erosion controls in place, one fence has been removed. Will meet again on site next week.

Committee Reports

- **CPC:** There was no meeting on April 11. Next meeting will be May 9, 2023. This will be the annual public input hearing.

New Business

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

Meeting adjourned at 9:22 PM.