



**Waltham Conservation Commission
August 12, 2021
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, Matthew Deveau, Bradley Baker

Absent:

Public Meeting

Request for Determination of Applicability

Applicant: Paino Associates I, LLC

Property Location: 455 Totten Pond Road

Project Description: Confirmation of intermittent stream status.

Andrew Gorman of Beals & Thomas and Dennis Sargent of Paino Associates appeared for the applicant. Explanation of status of property. Description of determinants for perennial vs. intermittent stream. Clarification requested by Mr. Moser regarding the use of an RDA in this case vs. an ANRAD. Commission satisfied with explanation. Mr. Moser provided background on the status of this stream (West Chester Brook) from previous filings and Commission research. Mr. Donovan has recently visited the site and had questions regarding fencing. Mr. Sargent noted that the property is vacant and has had illegal dumping issues and so the entrances have been blocked with fences; City Fire Department is aware for access. Mr. Dufromont noted earlier dumping issues and expressed the opinion that this is a permanent wetland. Asked for details of applicant's plans. Mr. Moser ruled this out of order and not within the scope of this public meeting. Any work will require an additional RDA or NOI filing. Mr. Doyle also noted that the stream is intermittent at this location based on previous rulings. Mr. Doyle moved that the Commission move to issue determination confirming that the area is within jurisdiction and that the stream status is intermittent. Mr. Donovan seconded. Motion passed with 4 in favor and 1 opposed (Mr. Dufromont), with Mr. Baker not recording a vote due to a technical issue. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: Benjamin Stallings

Property Location: 79 Edgewater Drive

Project Description: Construction of one-story addition to house.

Bob Bibbo of Bibbo Brothers appeared for the applicant. Mr. Bibbo briefly summarized the work being done. Mr. Moser confirmed that the property does not have river frontage, but is partially within the riparian zone. Mr. Donovan asked if any additional foundation work was planned. Mr. Bibbo noted that the only such work would be a footing outside the buffer zone. Mr. Deveau inquired about additional roof surface and stormwater considerations and was satisfied with Mr. Bibbo's response. Mr. Dufromont, Mr. Baker, and Mr. Doyle had no concerns. Mr. Doyle motioned to issue a negative determination. Mr. Deveau seconded. All present approved. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: Danielle Bechard

Property Location: 10 Rock Lane

Project Description: Construction of two-story addition to house and additional pavement.

Mr. Bibbo appeared for the applicant. Mr. Bibbo provided some history of previous work on this site including the limit of construction line imposed by DEP during an appeal. Explained proposed work and showed new drainage galley to be installed and erosion controls to be placed during work. Mr. Donovan and Mr. Deveau had no concerns. Mr. Dufromont raised questions about the 2008 superseding order of conditions from the DEP. Mr. Doyle recalled that the DEP's SOC did not include any conditions in perpetuity. Mr. Doyle suggested that Mr. Bibbo revise the plan to relocate all erosion controls outside the 200' riverfront boundary to minimize jurisdictional issues. Mr. Bibbo agreed to do this. Mr. Doyle motioned to issue a negative determination. Mr. Baker seconded. Mr. Doyle amended the motion to include the condition that the applicant will provide updated plans with the erosion controls moved outside the riverfront boundary. Motion was approved by all present. **Motion passed.** *[The Commission office later confirmed that the DEP'S SOC for project 316-0580, dated April 14, 2008, includes no additional perpetual conditions, except that there be no future development inside the erosion control line marked on plans dated March 31, 2008. An electronic copy of this SOC was provided to Mr. Bibbo. Mr. Bibbo has provided the updated plans as required.]*

Public Hearing

Notice of Intent DEP File # 316-0791

Applicant: MWRA

Property Location: Section 101 Extension, MWRA Contract No. 7692 (Lexington Street)

Project Description: Exempt water pipe installation and replacement of approximately 32 feet of culvert.

Peter Grasso appeared for the applicant. Also present Mike Gove (MWRA), Colleen Heath (CDM Smith), and Danielle Gallant (wetlands scientist, CDM Smith). Ms. Heath presented and explained the project. MWRA is coordinating with the City of Waltham for other water and sewer work alongside this project. It is primarily exempt water line work within Lexington Street from Totten Pond Road to the Lexington line, but includes some work of concern where Chester Brook passes under Lexington Street near Ridge Lane/Lionel Ave. Approximately 32' of culvert will be replaced there. Extensive explanation and discussion with the Commission followed. Culvert work is expected to take 4-8 weeks in July and August of 2022. Ms. Gallant presented information on meeting compliance standards and wetland impacts.

Mr. Doyle asked for clarification of the culvert work area and suggested that the culvert work would be exempt except for the adjacent buffer zones used for access. Clarified with applicant that the culvert is owned by the City of Waltham. Mr. Grasso noted that they have the plans of the existing culvert and will be replacing it in kind. Mr. Grasso clarified for Mr. Donovan that the water main will be entirely in the roadway. Mr. Grasso also explained that the project will proceed south to north to

attempt to minimize traffic disruption, especially around the new high school construction area. Project is expected to go to bid in October, have all approvals by December, but no work to begin until March or April. Culvert work would aim for July-August to take place at driest time of year. Mr. Deveau, Mr. Baker, and Mr. Dufromont had no immediate questions. Mr. Moser added a few comments regarding fish populations in response to Ms. Gallant's presentation. Discussion turned to erosion control effectiveness and placement of excavated material during work. Mr. Grasso discussed general controls and showed plans for de-watering work. Mr. Dufromont suggested daily removal and storage nearby on unused city property, such as the Fernald, possibly as a condition. Traffic issues were raised, and Mr. Moser noted this is not within the scope of the Conservation Commission. Mr. Grasso responded to Mr. Doyle, confirming that there is no specific location planned for the de-watering. Mr. Doyle noted that in this area the only option might be city conservation land. Suggested flagging catch basins downstream and observing to note effectiveness of erosion controls. Mr. Grasso was not opposed to this. Robert Winn, City Engineering Department, was on hand and confirmed that the city has existing requirements for cleanup around street work projects. Mr. Moser also noted that there may be no option but to locate dewatering operations on city conservation property. He asked if the applicant could identify specific locations and continue discussion at the next meeting. Mr. Dufromont noted that leaving the dirt out during a project is not city practice and that an off-site storage location should be used. Applicant was amenable to finding an off-site location. Some relatively nearby possible locations were suggested. The possibility of using a large dumpster or other solution on site was also raised. Specific location of culvert work was pinpointed on maps to clarify for all involved. Confirmed that the culvert crosses under Lexington Street, northwest to southeast, at the gas station [892 Lexington] to Shady's Pond conservation land [880 REAR Lexington]. Motion to continue this item to the September 2 meeting by Mr. Donovan, seconded by Mr. Doyle. All present voted in favor. **Motion passed.**

Public Hearing

Notice of Intent DEP File # 316-0790

Applicant: Acorn Holdings LLC

Property Location: 74 Rumford Avenue

Project Description: Repair of a collapsed drainage culvert and tree removal.

Phil Terzis appeared for the applicant. Karlis Skulte also present. Mr. Doyle recused as he has previously worked on a project with Acorn. Mr. Skulte explained the site background and summarized the project. Site has old contamination. Old building was demolished over a year ago. Proposed work involves tree removal on part of property and replacement of a culvert into Cram's Cove. Site plan and photos were presented.

Mr. Baker approved of removal of invasive species but wanted a site visit to inspect other proposed removals. Applicant was open to schedule a visit. Mr. Dufomont would like to inspect the culvert before replacement, but agreed the work would be an improvement. Mr. Deveau had no questions but favored a site visit. Mr. Donovan had no concerns, and sees the project as an improvement of the site. Mr. Moser concurred and hoped any removed trees would be replaced with new ones. Some discussion regarding the culvert location, as half appears to be on City property. Mr. Skulte confirmed that the applicant is working with the city to coordinate this work. Ms. Betsy Kimball participated in the public comment period. Mr. Skulte clarified the affected resource areas. The question was raised regarding the status of Cram's Cove as wetlands or having 200 ft. riverfront area. Mr. Moser noted that the distinction is not likely to be important to any Commission ruling, but that it should be known and clarified for this project and future projects on Cram's Cove or Purgatory Cove, so that the Commission makes consistent rulings. Discussion followed. Commission scheduled a site visit with

applicant. Mr. Deveau moved to continue this item to September 2 meeting. Mr. Dufromont seconded. All present approved. **Motion passed.**

[Later correspondence with DEP dated August 24, 2021 determined that Cram's Cove and Purgatory Cove are to be treated as Charles River riverfront areas per 310 CMR 10.58(2)(a)1.e.]

Mr. Doyle rejoined the meeting.

Public Hearing

Notice of Intent DEP File # 316-0793

Applicant: Duffy Brothers Construction

Property Location: 411 Waverly Oaks Road

Project Description: Remediation and restoration of approximately 2 acres bordering vegetated wetland and 1 acre of land under water and bank.

Tim Briggs of GZA appeared for the applicant. Presented site plan and explained history and current status of site. Explained the proposed work. Described the difficulty of work on this site, including development, existing stream, and compressible peat to a depth of up to 33 feet in places. Described current "pre-load" strategy approach. The plan is to add approximately 3 feet of structured and layered fill, compress the peat, then remove any excess elevation. The ultimate goal of the work on site is to remove oil contamination, and there is a lot of it there. Applicant anticipates an average dredge of 3 feet with a total volume of approximately 7,000 cubic yards, to be processed on site and reused as part of the pre-load fill. Expecting about 1½ feet of compression. The time frame to achieve this is unclear, and the project will adapt as it proceeds. Discussed staging of equipment and material and temporary loss of flood storage during some phases of project.

Mr. Briggs noted new toxic fill ("mineral fill," "tanks") located during site work in 2019. This will be excavated and removed. There will be 3 temporary stream crossings built during work, plans shown. Planting and seeding plan was also shown. Change in flood storage capacity shown on plan, previously approved by DEP.

Commission discussed scheduling a visit to the site as well as existing standard conditions for this kind of work. Mr. Doyle asked Mr. Briggs to remind the Commission of previous work at the site. Briggs explained how the project was envisioned in 2008 and what has changed. *[Original work appears to cover DEP# 316-0605 and 316-0606.]* Mr. Dufromont noted the history of contamination at the site (dating to post-WWII) and praised current owners (Duffy Bros.) for their work so far. Disturbed by recent discovery of more contamination. As the discussion had gone quite long, Mr. Moser suggested that the Commission collect further questions to send to applicant by email and discuss at site visit. Commission scheduled visit with applicant.

Mr. Donovan moved to continue this matter to the September 2 meeting. Mr. Dufromont seconded. All present approved. **Motion passed.**

Public Hearing

Notice of Intent DEP File # 316-0792

Applicant: City of Waltham

Property Location: Chester Brook, multiple locations downstream beginning approximately 167 Lexington Street

Project Description: Chester Brook clean up.

Robert Winn and John Martino were present for the applicant. Mr. Winn and Mr. Martino explained the flooding problem in Chester Brook and the need to clear parts of the brook of accumulated debris above and below "Lyman Pond" area. Explained the scope of the project and showed areas planned for work on maps. Mr. Moser noted that he has seen an earlier report produced for the city by a

consultant, and that this project appears to address the most critical areas. Mr. Doyle asked if this project could produce further flooding downstream if downstream areas have not been cleared. Mr. Winn assured that those areas are already clear, and that the debris in the project area would be a greater problem if it dislodged and continued downstream. Mr. Winn clarified that the project will not disturb the banks of the stream, only tackle debris in the stream. Some discussion of how work could need to adapt to conditions on site, and that the Commission should have the ability to observe. Mr. Doyle noted that this could be considered something of a “pilot” project for other streams in the city that need this sort of work done. Mr. Baker agreed with the need and considers this necessary maintenance. Mr. DuFromont noted this is a project 12 years in the making which should have been done long ago and fully supports it. Mr. Donovan expressed similar sentiments and noted improvements in other places over the years after similar work. Mentioned silting problems on Lyman Pond. Mr. Deveau inquired after the time frame. Mr. Winn noted this could possibly begin 2-3 weeks after approval. Some discussion of funding: this project is being paid for by the state, and some concern of potential loss of funding if project is not approved quickly. Commission concurred. Discussion of conditions followed: observation, restrictions on bank work, no dredging. Mr. Moser asked applicant if the request is intended to include ongoing maintenance, to avoid repeat appearances before the Commission for nearly identical projects. Mr. Winn agreed that this would be useful. Mr. Moser suggested a possible in perpetuity condition, only requiring notification. Also raised the issue of portions of this work being on private property, and the need to notify abutters. Mr. Winn stated that notifications have been made, but permissions not yet received. Mr. Doyle cautioned that this issue has been a problem in the past and referenced a city project that involved the Guest Quarters Suites which caused deed trouble for that owner when the project was not closed properly by the city. Suggested that the order of conditions might include a specific date by which the city must close this project and file for a COC. Mr. Moser suggested simplifying the standard special order of conditions for this type of project to make future maintenance easier in perpetuity. Mr. Doyle suggested the Commission could draft these conditions prior to the next meeting and approve at that time. Discussion of whether the project could go to bid before the conditions are settled. The consensus was yes, although the contractors must be aware that the contract could change. Mr. Deveau motioned to continue this discussion to the September 2 meeting. Mr. Baker seconded. All present in favor. **Motion passed.**

Mr. Doyle and Mr. Moser discussed a plan to immediately draft the maintenance conditions and confer with Mr. Winn and Mr. Martino.

Mr. Doyle motioned to take an item, 78 Hardy Pond Road site visit, out of order. Mr. Baker seconded. **Motion passed.**

Site Visit Reports

- 78 Hardy Pond Road – Discussion to rescind enforcement order. Mr. Moser described the site visit and current state and moved that the enforcement order be rescinded. Mr. Donovan seconded. All present approved. **Motion passed.**

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

Meeting adjourned at 9:39PM.