



**Waltham Conservation Commission**  
**April 5, 2018**  
**Meeting Minutes**

Meeting called to order at 7:00 p.m.

**Attendees:** Chairman Bill Doyle, Vice Chairman Philip Moser, Brad Baker, Mike Donovan, Gerard Dufromont, Courtney Semlow

**Informal Discussion**

- 380 Lexington Street: Piety Corner Traffic Project Update

Steve Casazza, City Engineer, stated that the existing house is located in the middle of the proposed intersection. He noted the resource areas located on the site. There is a 100-year flood plain, 100-foot buffer zone, 30-foot sewer easement, and 200 foot riparian zone. The property is now city property totaling 52,500 sq. ft. (1.21 acres). Approximately half of the property is usable. There is a 3:1 slope that has to be protected. The West Chesterbrook runs along the southwest part of the property. A decision has not been made about the house on the property. Mr. Casazza will be filing an ANRAD and he is open to suggestions from the commission. They are contemplating installing a retaining wall to protect the Bordering Vegetated Wetland with minimal disturbance. Once the resource areas are established, he will come back with a full Notice of Intent. Mr. Casazza asked Mr. Doyle to explain a limited project. Mr. Doyle replied that utilities need to be maintained (i.e., to fix a curb, clean a catch basin). It gives relief to a municipality or utility owner to go in and do the maintenance. However, Mr. Doyle doesn't see how this project would fit under a limited project. Mayor McCarthy noted that the primary two concerns with the intersection are: the people traveling on Lexington Street northbound to southbound collide with other drivers. The other safety issue is coming around Totten Pond Road where they all swing out which forces everybody out into the intersection. They are going to hire an expert to find out if the house stays or moves. They want to get that resolved first, then they will come back to ConCom. Mayor McCarthy asked the State if they can put in reflectors, and the State responded that the City can put reflectors in the ground at that intersection. Mr. Baker noted that the top of the bank is a very important area. He asked Mr. Casazza if he is open to putting up a snow fence during construction. Mr. Casazza replied that they are willing to do whatever needs to be done to protect the resources. Mr. Baker asked if construction materials will be put near the 100 foot line towards the river. Mr. Casazza said that it's a bit premature at this point. Once it has been defined in the field, they can design around it. Mr. Baker asked about the new bridge that will be going over the wetlands. He asked if this will be a single span that can go all the way to the top of the bank and not be digging pilings into the riverfront. Mr. Casazza replied that the current design does not involve a bridge. They aren't crossing the West Chesterbrook. Peter Reed, BSC Group, clarified that they aren't doing any work in the flood plain or buffer zone. They will not be disturbing the wetlands. Mr. Doyle noted that if the house stays, the creation of disturbance and the percentage of the riverfront within that lot that you are allowed to disturb may go a long way in figuring out what happens on that lot. Mr. Dufromont asked if the commission members are allowed to go on the site to look at it. Mr. Doyle recommended that the commission wait until there is an official filing before going on site. Mr. Dufromont asked the mayor if it's possible for the commission members to go on site on their own. Mayor McCarthy replied that she has no problem with it, but to notify CPW before heading over.

**Public Hearing** (Continued from 3-22-2018)

**Notice of Intent** (DEP File # 316-0733)

**Applicant:** 275 Wyman LLC c/o Hobbs Brook Management LLC

**Property Location:** 225, 235, 303 Wyman Street

**Project Description:** Demolition of two existing office buildings, construction of a new office building and parking garage, and a new stormwater management system.

Mr. Moser recused himself due to a potential conflict of interest.

Approved 5-3-2018

Jim White, H.W. Moore Associates, stated that they went over the site plan two weeks ago. The project includes demolition of the existing 225 and 235 Wyman Street buildings along with the existing parking deck, and the construction of a new office building and parking garage, as well as a new stormwater management system. The property is located within the Cambridge Reservoir. He responded to the questions from the last meeting: 1) They had the sewer line videoed and the sewer line appeared to be in very good condition. They do not anticipate sewer repair work to be necessary. 2) They contacted the gas company where they are doing some minor utility work. The gas company moved the pipe outside of their easement. The only work being done in the easement will be some grading work. The gas company did not see any issues with the proposed work. 4) There will be no exterior changes to the ice house and its drainage. They will be applying for a Fuel Storage Permit. A question came up about the construction schedule and having the stormwater management system installed in the early part of construction. It is their intent since it needs to be constructed before the parking garage is completed. A question was raised at the site walk re: the invasive species on the site and removing those as part of the Order of Conditions. Joe Orzel, Wetlands Preservation Inc., formally submitted a proposal for managing the invasive species. They are not proposing digging out any invasives and they are not proposing control in the wetland, only in the buffer zone. They propose cutting and painting the stems with an herbicide.

Mr. Donovan asked if there will be a filtering system for all of the gas and oils that were surface-run from the garage, and from the loading dock area and the roadway that runs through to the south side. Mr. White replied that all stormwater will be treated that runs off the site. Mr. Donovan asked if they are trying to save any of the trees. Mr. White replied that they are trying to save all of them.

Mr. Doyle opened up questions from the public. There were none.

Motion made by Mr. Baker to close the public hearing, seconded by Mr. Donovan. All in favor. **Motion passed.**

Motion made by Mr. Baker to issue a positive Order of Conditions, with the commission's standard conditions and one special condition allowing invasives management to occur in perpetuity with the cut and paint method. Motion seconded by Mr. Dufromont. All in favor. **Motion passed.**

Mr. Moser returned to the meeting.

#### **Public Hearing** (Continued from 3-22-2018)

##### **Notice of Intent** (316-0734)

**Applicant:** Historic New England, Lyman Estate

**Property Location:** 185 Lyman Street

**Project Description:** The phased (2-3 years) removal of invasive plant species at the Lyman Estate adjacent to Lyman Ponds. Replant with native vegetation, and perform on-going vegetation management to control regrowth of invasive plant materials.

Tanya Seredin, landscape architect with Mohr & Seredin Landscape Architects, represented the applicant. They are asking for permission to implement their invasives removal plan. Additionally, they have a replanting plan. Ms. Seredin addressed the questions from the last meeting. The commission asked that the Land Trust's future plans be added to the plan. At this point, they are still in discussions and there is nothing that has been settled on to show on the plan. They did provide a note saying that the proposed future foot bridge will be in an approximate location to connect trails in the citywide system. The phasing will probably take place over the next 5 – 10 years. It's quite a large project and funding is not in place. They are recommending placing erosion controls right at the edge of the wetlands and the areas that will be cleared to catch seeds and soil disturbance so nothing washes into the pond. They are not proposing any stump removal. They are proposing the cut and paint method for the removal of the invasives. They included an operations manual that talks about the different steps that need to be taken to accomplish this work (i.e., site preparation, flagging the limits of work, flagging the trees to remain, having a site walk with the Conservation Commission, and the work taking place). The one invasive plant material that is not on the Massachusetts list, but is definitely an exotic plant material is the European Black Alder. It is invasive on the site. They would like to clear the area in order to see the pond from the house. They are proposing shrubs that are native. The proposed trees are red oak, red maple and swamp white oak.

Ms. Seredin stated that in the operations manual, she added a couple of notes based on their conversations at the site walk. 1) Historic New England can mow and do some brush clearing of some of the weeds so the invasives aren't creeping out; and 2) They have the ability to remove downed trees that are in the pond as long as it isn't disturbing the bottom of the pond.

Mr. Donovan asked if the flags on the property indicate the proposed location. Ben Haavik, Historic New England, noted that the flags were placed in the proposed area. Mr. Donovan would like to see the downed trees in the water be pulled out and cleaned up. Mr. Donovan confirmed that in the middle section, all of the vegetation will be cleared out.

Ms. Seredin replied that they will save some Sumac and Black Cherry but there isn't much that will remain. Once the trees are taken down, they would be turned into wood chips and removed from the site within 48 hours. They would like to take some of the wood chips that are fairly weed-free and place them in a 6-ft. diameter where they think the new trees and shrubs will be planted. They will let it compost for a year, then plant. Mr. Baker does not like the idea of removing the leaf litter along the stream. He feels it opens itself up to erosion. Ms. Seredin stated that once the leaf litter is raked away, they have plans to put down a native seed mix and mulched with straw to stabilize the area. Mr. Baker is fine with grasses growing there. He feels the leaf litter should not be removed. Mr. Moser is not in favor of the commission telling the applicant which way to go re: removing the leaf litter or not, nor the method of planting the grass. He doesn't feel plugs are an efficient or cost-effective method of planting the sheer quantity that the applicant has. He asked if they will be planting 14 new trees or if it is a total of new and existing. Ms. Seredin replied it's a total of 14 trees. Mr. Doyle recommended the applicant send the commission a letter annually giving an update on what has been done and what will be done within the next year.

Mr. Doyle opened up comments from the public. There were none.

Motion made by Mr. Moser to close the public hearing, seconded by Mr. Baker. All in favor. **Motion passed.**

Motion made by Mr. Moser to issue a 10-year positive Order of Conditions with one modification to the commission's standard special conditions prohibiting the use of herbicide: Herbicides shall be used only for invasive species and only where mechanical means are not effective. In terms of new project-specific conditions: 1) The Conservation Commission shall be notified at the start of each phase, no less frequently than once every year of the status of the project overall and the extent of the next phase that is proposed. 2) Clarify on the planting plan where there is a discrepancy between the average or total number of plantings indicated that we will take the larger of those. Motion seconded by Mr. Donovan. Discussion of the motion: Mr. Baker recommended adding the condition that no leaf litter will be removed within 15 feet of the water's edge. Mr. Dufromont asked Mr. Baker if the applicant can cut down to a certain height and not touch the rooting system. Mr. Baker replied that they can cut down to the ground. They just can't remove the leaf litter. Mr. Haavik is concerned about the potential cost of planting plugs if the leaf litter cannot be removed. Mr. Doyle clarified that by not disturbing the leaf litter it will require the applicant to plant plugs. Mr. Baker confirmed it does. Mr. Donovan asked why keep the leaf litter if it's full of invasive seeds (putting the erosion issue aside). Mr. Baker replied that the invasive seeds will be in the soil anyway. He noted that where they will be planting the shrubs, they will not be planting grass from the shrubs to the river. Mr. Baker recommended that the leaf litter remains from the shrub area to the river. Where the lawn area is designed, they can remove the leaf litter where they need to plant the seeds. Mr. Moser and Mr. Baker asked Ms. Seredin if they are not planning on planting grass between the shrubs and the river. She confirmed that they will not be planting there since there would not be an easy way to maintain it. Amendment: The areas between the shrubs and the stream, the leaf litter will remain. The area between the shrub beds, the leaf litter area can be removed down to the edge. All in favor of the motion stated and amended. **Motion passed.**

#### **Public Hearing** (Continued from 3-22-2018)

#### **Notice of Intent** (DEP File # 316-0735)

**Applicant:** Robert and Dovile Murray

**Property Location:** 67Aft (Lot 21) Knollwood Drive

**Project Description:** Construction of a single family home on a vacant lot.

Bob Bibbo, licensed professional land surveyor with Bibbo Brothers, represented the applicant. He addressed the concern of the proposed catch basin's location and if the runoff comes down the street, it will go into driveway. It was recommended they do a connecting pipe. They revised the plan to indicate the change. At the site view, they had the house flagged in white and the area alterations in a different color. They also added tree protection to the plan. Mr. Moser noted two things were discussed that aren't going to show on the plan: 1) the pavement will be cut straight back in line with the property line; and 2) there will be two replacement trees planted somewhere on the property.

Mr. Donovan asked about putting up snow fencing along the disturbed area perimeter. Mr. Bibbo stated that they need to have a 6-ft. chain-link fence along the perimeter per state law. Mr. Moser confirmed that this supersedes the snow fencing.

Mr. Doyle opened up comments from the public. There were none.

Motion made by Mr. Moser to close the public hearing, seconded by Mr. Donovan. All in favor. **Motion passed.**

Motion made by Mr. Moser to issue a positive Order of Conditions with the Commission's standard conditions and the following site-specific conditions: 1) a fence will be provided on the no-disturbance line; and 2) two replacement native trees of the owner's selection will be planted somewhere on the property. Motion seconded by Mr. Dufromont. All in favor. **Motion passed.**

Motion made by Mr. Moser to take an item out of order, seconded by Mr. Baker. All in favor. **Motion passed.**

#### **Correspondence**

- **Hardy Pond Association:** Betty MacKenzie, representing the Hardy Pond Association, spoke re: the chemical treatment of the pond. The pond was dredged and it has been having a chemical treatment of the invasive plants over the last 10 years. The chemicals used are Reward and Captan. At the start of the treatments, Solitude was hoping that at some point they would be able to stop treatment. The Association is requesting a full review of the treatment. They are also seeking advice and financial assistance from the Commission. Mr. Moser stated that the Commission had agreed in the past to hire a consultant using the Commission's filing fees. The consultant would advise the Commission on what conditions should be placed on the work. Ms. MacKenzie also noted maintenance around the pond: separate from the weed treatment, the association has been working very hard to reduce the amount of unhelpful nutrients from going into the pond. They have been working with UMASS to test the water which shows high levels of nitrogen and phosphorus. They have been putting signs up in local stores asking people not to use fertilizer on their lawns that contains phosphorus. They have been working with CPW to increase street cleaning, which has been reducing the amount of phosphorus going into the water. Mr. Dufromont asked Ms. MacKenzie who has been paying for the treatment of the pond. Ms. MacKenzie replied that she believes the City has been paying for it. He asked if the City should be testing the water. Ms. MacKenzie stated that they are looking for a larger review than what is being done by the people treating the pond. It appears that Solitude goes around the pond every year and does a visual observation of the condition of the pond to see what needs to be treated at that time. Mr. Moser noted that the current Order of Conditions expires in 2019. He would like the Commission and/or CPW to find out within the next year what the Commission should be approving moving forward. Mr. Doyle noted that Ms. Semlow suggested a peer review. He feels the Commission would support a scope of work that would be a peer review outlining the items of interest. Julie will contact CPW to ask if they fund the treatments and for how long.

Motion made by Mr. Moser to resume Commission business, seconded by Mr. Dufromont. All in favor. **Motion passed.**

#### **Public Meeting** (Continued from 3-22-2018)

##### **Request for Certificate of Compliance** (DEP File # 316-0689)

**Applicant:** Robert Farrington/Windsor Village at Waltham Co.

**Property Location:** 976 Lexington Street

Motion made by Mr. Moser to continue to the next meeting, seconded by Mr. Dufromont. All in favor. **Motion passed.**

#### **Commission Business**

- Approval of meeting minutes from 3-22-2018: Minutes were not ready for review.

#### **Correspondence** (Continued)

- **DEP's response to MBTA's tree cutting:** Mr. Moser would like the Commission to issue a formal violation to MBTA which includes cease and desist, and the filing of a Notice of Intent. Mr. Moser will compose the order for the Commission's review and approval. Motion made by Mr. Moser to issue an Enforcement Order, seconded by Mr. Dufromont. Discussion of the motion: Mr. Dufromont asked what the Commission can make them do now that they've cut down all of the trees. Mr. Moser replied that the Commission can require that they replant some shrubs and smaller trees. Motion seconded by Mr. Dufromont. All in favor. **Motion passed.**
- **Cedarwood Playground:** A City Councilor is asking for an unleashed dog area in the fenced-off area at the playground. Mr. Doyle stated that she needs to work with the Rec. Dept. to amend the plan and the Commission will review the change. They need to work with the consultant to make sure the dog park and the material being used as a base is appropriate to use in the buffer zone and won't wash into the river.
- **Indian Ridge:** Mr. Moser stated that the City's tree warden would like to have the property owner remove dead trees that are a hazard over the public sidewalk, which are located in the buffer zone and riverfront. Mr. Moser

suggested having the tree warden attend a ConCom meeting, or having the property owner (or an agent of the property owner) file an RDA. A letter will be written outlining what the City's tree warden can and cannot do.

- **Mass Medical downed trees:** Three trees have fallen near the wetlands. The Commission would like to have a site visit with them to walk the site to see the trees. The site visit will fall under the open existing order.
- **Waltham's 2018 Operational Plan:** The plan was provided by the City's CPW department indicating that herbicide will be applied along the sides of the City's roads. A response will be written stating that ConCom has reviewed the operation plan and requests that they include the same practices they do along the Cambridge Reservoir to anywhere there is a stream or wetland as identified on the Waltham GIS.
- **Marked trees near the high school's access road:** Mr. Moser will stop by to take a look.
- **AstraZeneca snow melting:** They are requesting a change to their de-icing practices outlined in their Order of Conditions. Mr. Doyle recommended they request a minor change and attend the next meeting.

#### **New Business**

- **South Street Project:** Mr. Donovan noted that the erosion controls need to be repaired. The slope is exposed and the trees could get undermined from the rain. The area needs to be back-filled. The applicant's representative, Paul Finger Associates, will be contacted for a site visit.
- **Charles River Cleanup:** Mr. Dufromont stated that the annual Charles River cleanup is Saturday, April 28th.
- **Commission Elections:** Mr. Dufromont stated that after nine years, he is ready to turn over his CPC position to another Commission member. Elections will be held at the meeting on April 19th.

Motion made by Mr. Dufromont to suspend the rest of Commission business, seconded by Mr. Moser. All in favor.

**Motion passed.**

Motion made by Mr. Dufromont to adjourn, seconded by Mr. Moser. All in favor. **Motion passed.**

Meeting adjourned at 9:53 p.m.