



**Waltham Conservation Commission  
June 7, 2018  
Meeting Minutes**

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

**Attendees:** Chairman Philip Moser, Vice Chairman William Doyle, Mike Donovan, Gerard Dufromont, Courtney Semlow

**Absent:** Brad Baker

**Public Meeting** (Continued from 5-17-2018)

**Request for Determination of Applicability**

**Applicant:** Erin West Farrell and Todd Farrell

**Property Location:** 149 Riverview Avenue

**Project Description:** Dock replacement

Todd Farrell gave an update on his project. He's left multiple messages re: the Chapter 91 Permit but does not received an answer. The manufacturer would not provide cut-sheets for proprietary reasons. The old wooden posts will be pulled out. The existing metal pole will remain and new steel poles added. The dock will be anchored in the water with no footing.

Motion made by Mr. Doyle to issue a negative Determination of Applicability, with the condition that If this project requires excavation, the Applicant shall file a new Request for Applicability or Notice of Intent. Motion seconded by Mr. Donovan. Discussion of the motion: Mr. Dufromont asked if there will be a disturbance to the slope to the dock. Mr. Farrell replied that there will not be. All in favor of the motion. **Motion passed.**

**Public Hearing** (Continued from 5-17-2018)

**Notice of Intent** (DEP File # 316-0736)

**Applicant:** City of Waltham Recreation Department

**Property Location:** 25 Hillcroft Road

**Project Description:** Improvements to Hillcroft Playground

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

**Public Hearing**

**Abbreviated Notice of Resource Area Delineation**

**Applicant:** City of Waltham Engineering Department

**Property Location:** 380 Lexington Street

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

**Public Meeting**

**Request for Determination of Applicability**

**Applicant:** David Meyer

**Property Location:** 107 Riverview Avenue

**Project Description:** Construction of a new deck

Property owner Shannon Meyer stated that they are interested in a building a deck on the rear of their house. It will be a 26 ft. x 12 ft. pressure-treated wood deck. She noted that they built a retaining wall a couple of years ago which helps

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with the run-off. The river is across the street. Mr. Dufromont asked what they are putting under the deck. Ms. Meyer was unsure, but said it will probably be cement. Mr. Moser replied that crushed stone would be the best, allowing water to drain freely. He stated that if they decide to use cement, they will need to come back with another filing.

Motion made by Mr. Doyle to issue a negative Determination of Applicability with the condition that gravel, not cement, will be put under the deck. Motion seconded by Mr. Dufromont. All in favor. **Motion passed.**

### **Public Meeting**

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

**Applicant:** Oak Tree Management, Inc.

**Property Location:** 95 Moody Street

**Project Description:** Landscaping within jurisdiction of the development of a residential, 14-unit building.

Atty. Bret Francis stated that the project is the development of a residential, 14-unit building. However, the corner of the property is within jurisdiction which will be left undeveloped but landscaped.

Motion made by Mr. Doyle to issue a negative Determination of Applicability, seconded by Mr. Donovan. All in favor. **Motion passed.**

### **Public Hearing**

**Notice of Intent** (DEP File # 316-0738)

**Applicant:** PD Winter Street, LLC

**Property Location:** 500-840 Winter Street

**Project Description:** Surface grinding, repaving, restriping and improvement of Winter Street

William Jones, Linden Engineering Partners, represented the Applicant. He noted that the general improvements are surface grinding and repaving to allow reconfiguration of the roadway layout. There is a minor area where they will be pushing the roadway out and away from the reservoir to permit two full lanes around the corner. Working with Cambridge Water Department, there will be extensive drainage work which includes installing a curb along the reservoir side to prevent the water from flowing directly into the reservoir. They will be installing drainage inlets in the roadway. They will also install a sediment pump to trap sediments, gas and oil, and it will connect to a Stormceptor which was installed by AstraZeneca 15+ years ago. There will be a minor increase of impervious area of ~2,000 sq. ft. The difficulty of fully conforming to stormwater is they can't infiltrate into the dam. It will be a water quality and traffic improvement to the area. Ms. Semlow asked if the Stormceptor is being maintained. Mr. Jones stated that it was maintained 2014. The developer, PD Winter, cleaned out all the catch basins, pipes and Stormceptors from Second Avenue to the Lincoln line. However, it's the City of Waltham's responsibility to maintain it. Mr. Doyle asked who owns the dam. Mr. Jones replied that Cambridge owns it. Mr. Doyle asked if the City has easement rights over the top of it and they do. The easement gives permission for the current project. Pete Cameron, Davis Marcus Partners, noted that they own 1 million sq. ft. of the neighborhood. Both his company and some of the neighbors are chipping in to cover the cost of the project. The traffic improvements are a gift to the City. Mr. Moser is concerned about the 2,000 sq. ft. of increased impervious area without mitigation. Mr. Jones replied that this is a limited project, so they are exempt from full compliance of stormwater standards. All of the additional impervious area is over the dam.

Mr. Moser opened up questions from the public. Laurel Carpenter asked if there will be bicycle accommodations on the new roadway. Mr. Cameron noted that the expansion is only for vehicles, but they are restriping. Sharrows and signage for bikes will be added throughout the area.

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

Motion made by Mr. Doyle to issue a positive Order of Conditions with the Commission's standard conditions, seconded by Mr. Dufromont. All in favor. **Motion passed.**

### **Informal Discussion**

- **Wayside Trail:** Catherine Cagle

Catherine Cagle, City of Waltham's Planning Director, stated that they wanted to introduce the project before coming in for a formal filing. Consultant Amy Archer noted that the project was supposed to run town line to town line from Weston to

Belmont following the abandoned railroad corridor. The 1265 Main Street development has paved a small portion of the abandoned rail alignment, so the contractor will pick up where they left off and carry the abandoned rail alignment to the west side of Beaver Street (2.75 miles). The path will be 12 feet wide and paved. They provided the Commission with recommended plantings. Ms. Archer explained their proposed stormwater management plan. Briscoe Lang, Environmental Scientist with Pare, stated that there are no wetland issues on the western side of the trail. He noted the wetlands that are along the eastern side of the proposed trail. Mr. Dufromont asked if there will be disturbance along the rail line. Ms. Archer replied that the existing rails and ties will be removed. They will be redecking and rerailing the structures. Mr. Dufromont asked what their plans are for the active rail line. Ms. Archer stated that MBTA will require a chain-link fence and a lot of vegetation between the rail trail and the active alignment. Mr. Doyle asked who will be responsible for maintaining the trail. Ms. Cagle replied that they are working out the details with DCR and MassDOT. Mr. Doyle would like to see an agreement written into the Order of Conditions that gives permission for maintenance. Ms. Semlow asked about the mitigation for the increase in impervious area. Mr. Lang explained what they will be proposing to handle it. Mr. Donovan asked when they plan on filing a Notice of Intent. Mr. Lang replied they are hoping to file by this September/October.

### **Informal Discussion**

- **Tree Cutting Along the MBTA Right-of-Way:** Keolis

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

Clary Coutu, Director of Environmental Affairs from Keolis, spoke on behalf of her employer and MBTA. She handed out copies of their Vegetation Management Plan (VMP). They need to maintain the vegetation along the railway. The right-of-way management program used today came about from a determination made in 1985. The VMP they have was approved in the spring of 2015, and it was approved for five years. They met with arborists from Northern Tree who recommended which trees should be cut down and they met with the abutting property owners who will be affected. The chemical application cycle will continue into the spring and fall. They need to develop a planting plan to tackle the invasive species. They used video and GPS lasers to determine the boundary lines. Their arborist follows the ANSI A-300 standards to evaluate the health of the trees. The tree removal process is selective. Many trees are leaning over the right-of-way and need to be trimmed. The chippings have been left on site. Both MBTA and Keolis believe they have worked within the jurisdictional requirements that the right-of-way management program allow them to. They were selective about the methods used to cut down the trees, and they were exercising their right to maintain the right-of-way under the federal regulatory requirements. Ms. Coutu would like to work with the Commission and town, and have the Enforcement Order retracted.

Mr. Moser was hoping the presentation touched on the Wetlands Protection Act. He feels Keolis has additional state regulations when work is being done within the buffer zone. The Rivers Protection Act requires that a Notice of Intent be filed before an area is altered. He noted that the Commission was not notified that hundreds of trees were being cut down. He would like a Notice of Intent filed for the work that has been done and before doing any further cutting. Holly Palmgren, MBTA, noted that they are only required to file an RDA. She said that it doesn't make sense to do any plantings at this time until the Wayside Trail is complete because they will need to clear the area of vegetation for it. MBTA can coordinate with the City once the trail is in to plant some trees and shrubs to act as a barrier between the trail and the tracks.

Resident Susan Raines, Rose Hill Way, stated that someone came to her house to notify her that they would be trimming some trees. Instead, the trees along and outside her fence were cut in half. The branches of the trees inside her yard along the property line were all cut. The installation of the poles takes place at 3:00 in the morning, which is noisy. There was no notification that the trees were being cut down. Ms. Palmgren responded that the PTC project is exempt from regulation of the Wetlands Protection Act, which includes notifying the Commission of the tree cutting. Mr. Moser replied that the Commission was notified of the PTC project and that they were told that it would be just some utility poles being put up. Ms. Raines is concerned about flooding in the area not that the trees are gone. Ms. Coutu replied that they cut the trees and left the root system, to avoid flooding. Mr. Moser asked that the logs and pile of chippings be picked up. He also recommended restoration plantings in some of the areas along the tracks. Mr. Moser also would prefer to not retract the Enforcement Order issued by the Commission. He suggested that MBTA file a Notice of Intent or appeal the Enforcement Order through DEP. Mr. Dufromont would like them to find out if some bushes can be replanted and when. Ms. Coutu will have a response before the June 21<sup>st</sup> meeting.

Mr. Doyle returned to the meeting.

### **Informal Discussion**

- **74 Linden Street - Proposed Rental Car Facility:** Paul Finger

Paul Finger, Paul Finger Associates, feels the site is undevelopable due to many resource challenges. 100% of the property is flood plain. Garden Crest owns it but are trying to sell it. The proposal from a potential buyer is to put a rental car facility on the property. The Commission members made a few comments/suggestions as to what they would like to see in a formal filing.

### **Public Meeting**

**Request for an Extension of the Order of Conditions** (DEP File # 316-0696)

**Applicant:** Lincoln Cooper Street, LLC

**Property Location:** 20 Cooper Street & 135 Elm Street

Mr. Dufromont has been to the site and noted that the property has new erosion controls since the fire. The site is in great shape.

Motion made by Mr. Dufromont to grant a three-year extension, seconded by Mr. Donovan. All in favor. **Motion passed.**

### **Commission Business**

- Motion made by Mr. Donovan to approve the meeting minutes from 5-17-2018, seconded by Mr. Doyle. All in favor. **Motion passed.**

### **Correspondence**

- **Eversource:** They submitted their annual Vegetation Management Plan to the Commission. Mr. Moser noted that there is a lot of Japanese Knotweed and Buckthorn on the property. A letter will be sent requesting that Eversource adjust their VMP to achieve their stated goal of native plant growth rather than the invasives that are growing.

### **Committee Reports**

- **CPC:** Mr. Dufromont noted that the Leland Home for the Elderly set up five rooms for people who are capable of coming and going who want to stay in Waltham but can't afford housing elsewhere. CPA will provide the funding for the five rooms. Girl Scouts of Eastern Massachusetts: Funding was approved to restore their historical fountain as well as to restore the Bowl amphitheater area that is set up for meetings, concerts and shows. Veterans Field will receive a small playground for kids 12 and under. Gordon Charles River Falls Company will be restoring the chimney on the old mill. The cost is \$1.8 million. \$300,000 would go towards replacing the back windows of the Charles River Museum and the balance of \$1.5 million would go to restoring the chimney. The window replacement was approved, but the chimney request has been put on hold until CPC's next meeting in September. The Arrigo Farm has been purchased by the City.
- **Trust Fund:** No updates.

### **Site visit reports**

- **40 Sanderson Road:** Mr. Donovan noted that the work has been completed and the Request for Certificate of Compliance paperwork has been sent to the Applicant.

Motion made by Mr. Doyle to suspend Commission business, seconded by Mr. Donovan. All in favor. **Motion passed.**

Motion made by Mr. Doyle to adjourn, seconded by Ms. Semlow. All in favor. **Motion passed.**

Meeting adjourned at 10:15 p.m.