



**Waltham Conservation Commission
July 19, 2018
Meeting Minutes**

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

Attendees: Chair Philip Moser, Michael Donovan, Gerard Dufromont, Courtney Semlow, Vice Chair William Doyle (arrived at 7:01 p.m.)

Absent: Brad Baker

Public Hearing (Continued from 6-21-2018)

Abbreviated Notice of Resource Area Delineation (DEP File # 316-0739)

Applicant: City of Waltham Engineering Department

Property Location: 380 Lexington Street

There was a site visit to look at the wetland flags. Mr. Doyle stated that there was delineation of the three resource areas (wetlands, riverfront and flood zone) on the property. Mr. Doyle noted that the floodplain line presented by the Applicant's consultant did not match that of FEMA's.

Motion made by Mr. Doyle to table this item until Correspondence, seconded by Mr. Dufromont. All in favor. **Motion passed.**

Public Hearing (Continued from 6-21-2018)

Notice of Intent (DEP File # 316-0736)

Applicant: City of Waltham Recreation Department

Property Location: 25 Hillcroft Road

Project Description: Improvements to Hillcroft Playground

Cheri Ruane, Weston & Sampson, addressed the questions that arose from the site visit. The revised plan for removal of the Japanese knotweed and bittersweet, as well as restoration plantings where the knotweed is eliminated have been incorporated into the drawings. Re: clear and grub existing vegetation behind the existing basketball court: It is almost exclusively knotweed. They want to remove it and replace it with a native wildflower meadow mix. Anything that isn't invasive and isn't in the way of the proposed path will not be removed. Any trees that they plan to remove will be flagged and ConCom will be notified to check on them. The fencing between the edge of the park and the wetland will be constructed with a smooth, bottom rail and a 4" minimum gap underneath. Mr. Doyle asked about adding an in perpetuity allowance for the routine cleaning of the channel on the property. Ms. Ruane responded that they have added it to their plan and would like it listed as a specific condition.

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

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 condition allowing CPW to do selective clearing and removal of obstructions in the intermittent stream in perpetuity, pending notification to the Conservation Commission. Motion seconded by Mr. Donovan. All in favor. **Motion passed.**

Request to Rescind Enforcement Order

- MBTA/Keolis

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

Approved 8-16-2018

Mr. Moser noted that the Enforcement Order was issued for destruction of vegetation without filing a Notice of Intent. He feels that the Enforcement Order should stand and encouraged the Applicant to try to resolve it in coordination of the future filing this fall of the proposed rail trail.

Atty. Steve Richmond, Beveridge and Diamond, noted that they filed an appeal to the Enforcement Order, which is now pending in Superior Court. They have 90 days to hold off on serving the City, in the hopes to work out a resolution. They provided a copy of the appeal to the City Solicitor. The appeal was filed on June 26th. Clary Coutu, Keolis's Director of Environmental Affairs, stated they have a plan for the neighbors who were affected by the tree cutting. They have been taking significant steps to ensure the neighbors have a plan that they are comfortable with. They will be stabilizing the bank. Mr. Moser asked if they will be filing a Notice of Intent for the clearing that was done. Ms. Coutu stated that they are not open to filing an NOI for the trees that were cut and cannot be replaced. She will provide the Commission with a proposed plan prior to the next meeting. Resident Christine Campbell, Rose Hill Way, asked how they can find out when clearing will be done again. She said she wasn't notified before they cut down all the trees behind her house. She is concerned about flooding issues. Mr. Donovan responded that the notification process didn't happen the way it was supposed to.

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

Public Meeting

Request for Determination of Applicability

Applicant: AstraZeneca

Property Location: 35 Gatehouse Drive

Project Description: Install a new canopy structure and construct a new retaining wall.

Christopher Wagner and Jocelyn Mayer, VHB, represented the Applicant. The project is to install a canopy and redo the sidewalk in front of Building E. They also want to add a 2-ft. high retaining wall along the building side of the walkway, which will add 65 sq. ft. of additional impervious surface area.

(Mr. Doyle returned to the meeting.)

Mr. Dufromont asked how they will capture the water coming from the canopy. Ms. Mayer replied that the canopy is angled so that the water will drain back towards the swale.

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

Public Meeting

Request for an Insignificant Change (DEP File #: 316-0730)

Applicant: AstraZeneca

Property Location: 35 Gatehouse Drive

Ms. Mayer, VHB, noted that the Applicant is requesting a change to the Commission's Special Order of Conditions re: de-icing practices. Cambridge Water Department is fine with the proposed chemicals. Mr. Moser recommended continuing until the next meeting in order to determine all of the Orders of Conditions filed for this property.

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

Public Meeting

Request for Determination of Applicability

Applicant: Suzanne W. Miller

Property Location: 338 Bishops Forest Drive

Project Description: Deck expansion

Suzanne Miller represented herself. Five years ago she received Conservation approval to put in a bluestone patio on her lower level. On her first level, she wants to expand her deck, which will be located over the patio.

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

Approved 8-16-2018

Public Meeting

Request for Determination of Applicability

Applicant: Keir Evans

Property Location: 460 Totten Pond Road & 300 Winter Street

Project Description: Drainage pipe maintenance

Keir Evans, Boston Properties and Nick Skoly, VHB, stated that as part of their project that's under construction at 480 Totten Pond Road, the City's Engineering Department has added the drainage pipe maintenance as part of their building application.

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

Mr. Skoly noted that as part of the building permit with Phase II, the Engineering Department requested that they clean out the pipe which discharges from the wetland onsite, across Totten Pond Road, and discharges into the intermittent stream. Through the current Order of Conditions, they added a grate to keep trash and debris out of the pipe, and they cleared out all of the invasive species in the wetlands. The pipe cleaning will be done by jet and vactor truck. They will also camera the pipe. 300-350 linear feet will be cleaned. The pipe is 24 inches in diameter. From the plans, it appears the pipe is at a 90 degree angle. They will confirm this when they camera the area. The pipe is working and discharging the water. The water and sediment will be vacuumed out, then the water will be discharged back into the intermittent stream. Mr. Doyle noted that part of the pipe is on another owner's property. He recommended the Applicant get a letter from the owner giving approval to clean the pipe. Bob Bibbo made the recommendation that if the pipe is in bad condition, the Applicant may want to replace it and put the new pipe solely on their property.

Motion made by Mr. Donovan to issue a negative Determination of Applicability with the conditions that the Applicant provides erosion control protection at each end of the pipe, and that the Commission receive notification that there is permission from all of the land owners and abutters that the pipe goes under. Motion seconded by Ms. Semlow. All in favor. **Motion passed.**

Mr. Moser returned to the meeting.

Public Hearing

Notice of Intent (DEP File # not yet assigned)

Applicant: Robert and Geraldine Perry

Property Location: 61 Clark Lane

Project Description: Remove existing garage and breezeway and replace with two-car garage and bedroom.

Karen Sebastian, Landscape Architect, introduced homeowner Bob Perry and design builder Dave Nauss. There is an outlet stream in a culvert that goes under the driveway into the next door neighbor's yard. They want to expand the existing garage which will be 5 feet closer to the wetland. There are no changes to the existing driveway, and erosion controls will be placed to protect the stream. They are proposing to put a rain garden in the backyard to collect and infiltrate the water. The bottom will be washed stone. They will seed around the rain garden with wildflowers or native perennials. Currently, all of the water flows to the neighbor's yard. They are reversing the process by keeping most of the water on the Applicant's property. Mr. Doyle stated that the basin will hold 4 times more water than what will be generated from the addition. It is an improvement to the current conditions. He noted that some level of maintenance will have to happen. Mr. Moser asked if there are any existing native trees or shrubs that will be impacted by the work.

Mr. Perry replied that the trees are remaining.

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

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

Motion made by Mr. Doyle to issue a positive Order of Conditions, seconded by Mr. Donovan. Discussion of the motion: Mr. Dufromont would like to wait until the next meeting before issuing an Order of Conditions because DEP has not issued a file number yet, and they may have comments which the Commission can address in August. The motion made by Mr. Doyle did not pass.

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

Public Hearing

Notice of Intent (DEP File #: 316-0741)

Applicant: Frank Valentino

Property Location: 80 Clark Lane

Project Description: Construct an addition to the rear of the existing house and to construct a one-car garage addition to the rear of the existing garage.

Bob Bibbo, Bibbo Brothers & Associates, noted that the 100-year flood plain on the property was determined by the Conservation Commission in 2000. However, it's an imaginary line. It doesn't exist on the State's flood plain line. It is being recognized as an Isolated Land Subject to Flooding. The addition on the back will be on stilts. All of the runoff will go to the southeast side of the addition. The driveway addition will have a catch basin to catch all of the runoff.

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

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 Order of Conditions, seconded by Ms. Semlow. All in favor. **Motion passed.**

Public Hearing (Continued from 6-21-2018)

Notice of Intent (DEP File #: Not yet assigned)

Applicant: Tali Gill-Austern

Property Location: 157 Riverview Avenue

Project Description: Build a seasonal dock with a stairway.

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

Commission Business

- Motion made by Mr. Donovan to approve the meeting minutes from 6-21-2018, seconded by Mr. Doyle. All in favor. **Motion passed.**
- **Bentley University Emergency Certification:** Mr. Doyle signed the emergency order. They will need to come in for a Notice of Intent once work has been completed.

Correspondence

- **380 Lexington Street filings:** Mr. Doyle noted that there will be multiple Notices of Intent that will need to be filed for this property (to remove the fruit trees, the demolition of the building, the construction of the roadway, and for the fixing of the sewer line). Mr. Doyle feels it's inefficient to have four Notices of Intent opened up by the City. The Commission agreed they want all parts of the project put into one Notice of Intent. Mr. Doyle stated that the question asked of the Commission is if an RDA or Notice of Intent should be filed to remove the trees. There are 25 trees in the riverfront area. A Notice of Intent must be filed.

Motion made by Mr. Doyle to take an item off the table, seconded by Mr. Dufromont. All in favor. **Motion passed.**

Public Hearing (Continued from 6-21-2018)

Abbreviated Notice of Resource Area Delineation (DEP File # 316-0739)

Applicant: City of Waltham Engineering Department

Property Location: 380 Lexington Street

Mr. Doyle stated that he looked at the FEMA flood map and it is not as descriptive as the delineation the City recently had done. On the FEMA map, the flood elevation is at 74 which is also outlined on the delineation.

Motion made by Mr. Doyle to approve the ANRAD with no changes to the resource areas as indicated on the Applicant's plan. Motion seconded by Mr. Donovan. All in favor. **Motion passed.**

- **FEMA map discussion:** Steve Casazza in the Engineering Department with help from Eric Rizzo, IT Department, is assembling comments from City of Waltham departments to compile and send the comments all

- together to FEMA. The Conservation Commission members will send their comments/changes individually to Mr. Casazza.
- **Mt. Feake Cemetery Marked trees:** Mr. Dufromont noted there are at least 20-25 trees marked to be taken down that are dead. They are a danger to people. The City will need the Commission's permission to cut down any living trees.

Motion made by Mr. Doyle to table the remaining items on the agenda, seconded by Mr. Dufromont. All in favor.

Motion passed.

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

Meeting adjourned at 9:32 p.m.