



**Waltham Conservation Commission  
October 6, 2016  
Meeting Minutes**

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

**Attendees:** Chairman Bill Doyle, Vice Chairman Philip Moser, Brad Baker, Gerard Dufromont, Tali Gill-Austern, Daniel Keleher

**Informal Discussion**

- 62 Hiawatha Avenue

Philip Moser recused himself in order to discuss concerns at his property.

Mr. Moser noted that a stone patio in his backyard was built in 2008 or 2009 and a Notice of Intent was not filed. It is a possible violation since there was an increase in impervious pavement. He will be filing an NOI in the spring once he works out the details of the plans. Mr. Doyle suggested Mr. Moser check if the area is in a flood zone. Mr. Moser noted that the property is.

Mr. Moser also brought up the commission's requirement to have a six-inch gap under a fence to allow for wildlife to move under it. Mr. Moser could not find a regulation re: on this, but discovered this was a Waltham Conservation Commission interpretation. He noted that DEP's regulation is an exception which states that "fencing will not constitute a barrier to wildlife movement" and is not subject to regulation. He asked if the 6-inch policy is published anywhere in an online document and if not, could the commission make it available to the public. He asked if the 6-inch dimension is to keep children and pets inside yards, and Canada Geese out. Another reference point on dimensional requirements for gaps in barriers is the Massachusetts Building Code's requirements for guards. It's a railing that prevents one from falling from a higher surface to a lower one or somewhere unsafe. Guards are not allowed to have a gap larger than 4 inches, whereas the commission is looking for gaps to be larger than 6 inches. He would prefer the commission's fence interpretation be reduced to a 3 ½ - 4 inch gap. It would still allow smaller wildlife to fit under a fence, but deter Canada Geese. Mr. Doyle stated that the commission can discuss general requirements which can be posted on the website.

Mr. Baker noted that his 18-month-old grandchild is able to crawl under a fence that is 6 inches off the ground and this is a safety hazard. He suggested that a policy be added to the commission's Order of Conditions that are being revised.

**Commission Business**

- Motion made by Mr. Gill-Austern to approve the meeting minutes from 9-22-2016, seconded by Mr. Baker.  
**Motion passed.**
- Discussion of Order of Conditions Revision: Mr. Gill-Austern and Mr. Moser will meet next week to finalize.  
Motion made by Mr. Gill-Austern to table the discussion until the next meeting, seconded by Mr. Dufromont.  
**Motion passed.**

**Correspondence**

**Old Business**

**Mr. Doyle**

**Clark's Pond:** Julie noted that Clark's Pond's consultant was in the office this week and was able to get an as-built plan from the Building Department. He will be filing the Request for Certificate of Compliance soon to close out the old OOC.

Approved 10-20-2016

### **Mr. Baker**

**Paine Estate Maintenance:** 1) Mr. Baker noticed the extreme stress showing on the trees and shrubs at Paine Estate. The large hemlock trees under the commission's jurisdiction are suffering. He recommended that the commission contact the city's tree warden to ask what the next best time to treat for the hemlock's severe scale infestation, as well as find out what the chemical treatment is that he plans on using. He would also like the tree warden's recommendations for the hemlock's care and how to get the trees watered. The core five acres are routinely watered, but the remaining areas are not. Mr. Doyle asked if the commission can have a meeting to collaborate with the tree warden.

2) Mr. Baker noted that the wisteria was treated at Storer before he came on as a commissioner, but it needs to be removed again before winter. He would like volunteers to go out in November to remove it. They will save a lot of trees that are being wrapped up in the wisteria. Mr. Doyle suggested that Mr. Baker contact Mr. Olsen at Brandeis to organize this. Mr. Baker stated that Ann Clifford needs to be involved as well. He would like the tree warden and Ms. Clifford in attendance of the removal. A tentative date has been set for Thursday, Nov. 17<sup>th</sup> from 12:00 – 4:00 at Paine Estate. Mr. Keleher recommended that Julie pull up the e-mail from the tree warden re: the treatment he was going to use on the hemlock trees in the spring.

3) Mr. Baker stated that there is a 100 ft. part of Mt. Feake cemetery riverbank that is being swallowed up by kudzu vine. He asked how the commission can work with DCR to come to a maintenance approach to remove it. Mr. Doyle stated that an RDA or NOI co-signed by DCR can be done if the vine is on DCR's property. If on city property, a volunteer effort can be organized. Julie will contact DCR to get in touch with Mr. Baker to advise how to remove it. Mr. Moser suggested contacting Stew LaCrosse first since he may know where the property line is.

### **Mr. Dufromont**

- No updates

### **Mr. Gill-Austern**

- No updates

### **Mr. Keleher**

- No updates

### **Mr. Moser**

- No updates

### **Committee Reports**

- Discussion re: the Creation of a Commission Initiatives Committee (Tabled until October 2016) Tabled until after the Order of Conditions revision is complete.
- CPC: Mr. Dufromont stated that CPC has a meeting on Oct. 18<sup>th</sup>. He is aware of one item which is for the French Club which will go before the Historical Commission first. They want to make some renovations, but the building is not within Historical or Conservation's jurisdiction.

### **New Business**

- Mr. Gill-Austern noted that the Newton Recycling Center is leveling off the capped dump and building a solar farm. He is concerned that Newton didn't notify the commission about work being done near the Newton-Waltham property line and less than 200' from the water. Julie will contact Newton's ConCom for a copy of the NOI and OOC.
- New high school: Mr. Dufromont stated that the school department owns 220 feet of property in from the road near the current high school. There would be a 70 ft. buffer between the proposed new high school and Paine Estate. Mr. Doyle noted that the new school will be either placed there, at the Fernald or at the Stygmatine property and there are wetlands at all three sites. He is in favor of a letter from the Conservation Commission to

the School Committee stating there are wetlands on the proposed sites, and that the commission would like to help guide them re: the Wetlands Protection Act before a final plan is drawn up and presented.

- Piety Corner Project: Mr. Moser asked Mr. Baker if the questions he had at the site have been addressed. Mr. Baker stated that they added a lot of new soil and seeded the area. It's been maintained and the grass is looking good. Straw wattles were put in. There hasn't been any rain, so no erosion. Two out of the three trees that were planted are dead. Mr. Moser noted that if the trees are listed in the plans submitted with the NOI, the city will need to replace them before a Certificate of Compliance is issued. The topic will be added to Mr. Dufromont's old business.
- Mr. Dufromont asked about the Mt. Feake Cemetery appeal made by DEP. Julie will contact DEP and Stew LaCrosse re: the status.
- Mr. Moser noted there was a complaint made to the commission a month or two ago re: trees being cut down at Clark's Pond that were located close to the Chester Brook. Mr. Moser made a site visit to the area and noticed that along the main street in the front yard a couple of trees were cut down, but they did not appear to be within jurisdiction. Mr. Moser asked if the person who filed the complaint confirmed that these were the same trees. Julie stated that she left a voicemail for him but he did not return the call.
- Mr. Keleher stated that the mayor attended the last meeting and she noted that the commission needs to follow parliamentary procedure. Robert's Rules will be added to Mr. Doyle's Old Business.

Motion made by Mr. Gill-Austern to adjourn, seconded by Mr. Moser. **Motion passed.**

Meeting adjourned at 8:00 p.m.